BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

Case No. 5847

HEATHER LYNN DIXON

Pharmacist License Applicant,

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on June 22, 2017.

It is so ORDERED on May 23, 2017.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

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1	XAVIER BECERRA		
. 2	Attorney General of California LINDA L. SUN		
3	Supervising Deputy Attorney General VINODHINI R. KELLER		
4	Deputy Attorney General State Bar No. 240534		
5	300 So. Spring Street, Suite 1702		
•	Los Angeles, CA 90013 Telephone: (213) 897-2015		
6	Facsimile: (213) 897-2804 Attorneys for Complainant		
7	BEFO	RE THE	
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10	In the Matter City Control		
11	In the Matter of the Statement of Issues Against:	Case No. 5847	
12	HEATHER LYNN DIXON,	OAH No. 2016090772 STIPULATED SETTLEMENT AND	
13	Pharmacist License Applicant,	DISCIPLINARY ORDER FOR PUBLIC REPROVAL	
14	Respondent.	[Bus. & Prof. Code § 495]	
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18	IT IS HEREBY STIPULATED AND AG	REED by and between the parties to the above-	
19	entitled proceedings that the following matters a		
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21	PARTIES 1. Virginia Herold (Complainant) is the Everytive Officer of the Bound of Division of Divisio		
22	the Exceeding Of the Board of Pharmacy		
23	(Board). She brought this action solely in her official capacity and is represented in this matter by		
24	Xavier Becerra, Attorney General of the State of California, by Vinodhini R. Keller, Deputy		
25	Attorney General.	•	
	2. Respondent Heather Lynn Dixon (Respondent) is represented in this proceeding by		
26	attorney Michael R. Kilts, whose address is: Law Offices of Michael R. Kilts, 1122 East Green		
27	Street, Pasadena, CA 91106.		
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JURISDICTION

- 3. On or about October 30, 2015, the Board of Pharmacy (Board), received an application for a Pharmacist License from Respondent. The Board denied the application on March 30, 2016. Respondent timely requested a hearing with respect to the denial.
- 4. Statement of Issues No. 5847 was filed before the Board, Department of Consumer Affairs and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on July 1, 2016. A copy of Statement of Issues No. 5847 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Statement of Issues No. 5847. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 5847.8. Respondent agrees that her application for a Pharmacist License is subject to denial, and she agrees to be bound by the Disciplinary Order below.

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CONTINGENCY

- This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.
- The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.
- This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by 11. the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.
- In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory requirements for issuance of a pharmacist license, a pharmacist license for Respondent Heather

Lynn Dixon (Respondent) shall be issued and publicly reproved by the Board of Pharmacy under 1 Business and Professions Code section 495 in resolution of Statement of Issues No. 5847, 2 attached as exhibit A. Respondent is required to report this reprimand as a disciplinary action. 3 Ethics Course. Within twelve (12) months of the effective date of this decision, 4 Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by 5 the Board or its designee. Respondent shall submit a certificate of completion to the Board or its 6 designee within five days after completing the course. Failure to enroll in a course in ethics shall 7 result in further action by the Board. 8 9 ACCEPTANCE I have carefully read the above Stipulated Settlement and Disciplinary Order for Public 10 Reproval and have fully discussed it with my attorney, Michael R. Kilts. I understand the 11 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated 12 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, .13 and agree to be bound by the Decision and Order of the Board of Pharmacy. 14 15 16 3/3/2017 FIER LYNN DIXON 17 Respondent 18 I have read and fully discussed with Respondent Heather Lynn Dixon the terms and 19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order 20 for Public Reproval. I approve its form and content. 21 22 March 3, 2011 23 Attorney for Respondent 24 25 /// 26 111 27 28 H

ENDORSEMENT The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs. March 3, 2017 Dated: Respectfully submitted, XAVIER BECERRA Attorney General of California LINDA L. SUN Supervising Deputy Attorney General VINODHINI R. KELLER Deputy Attorney General Attorneys for Complainant LA2016601250 52393053.doc

Exhibit A

Statement of Issues No. 5847

1	Kamala D. Harris			
2	Attorney General of California LINDA L. SUN			
3	Supervising Deputy Attorney General VINODHINI R. KELLER Deputy Attorney General State Bar No. 240534 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2015 Facsimile: (213) 897-2804 Attorneys for Complainant			
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8	BEFORE THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS			
9	STATE OF CALIFORNIA			
10	In the Matter of the Statement of Issues Case No. 5847			
11	Against:			
12	HEATHER LYNN DIXON STATEMENT OF ISSUES			
13	Pharmacist License Applicant			
14	Respondent.			
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19	Complainant alleges:			
20	PARTIES			
21	1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official			
22	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.			
23	2. On or about October 30, 2015, the Board of Pharmacy, Department of Consumer			
24	Affairs received an application for a Pharmacist License from Heather Lynn Dixon (Respondent)			
25	On or about October 28, 2015, Heather Lynn Dixon certified under penalty of perjury to the			
26	truthfulness of all statements, answers, and representations in the application. The Board denied			
27	the application on March 30, 2016.			
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STATEMENT OF ISSUES (***OAH's case number***)

JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 480 of the Code states in relevant part:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.
- "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- "(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- "(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made."
 - 5. Section 482 states:
- "Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:
 - "(a) Considering the denial of a license by the board under Section 480; or
 - "(b) Considering suspension or revocation of a license under Section 490.

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"Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee."

Section 493 states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

REGULATORY PROVISION

7. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Substantially Related Crime)

8. Respondent's application for a Pharmacist License is subject to denial under Code sections 480, subdivision (a)(1), 480, subdivision (a)(3) and California Code of Regulations, title 16, section 1770, in that she was convicted of a crime that is substantially related to the qualifications, duties, and functions of a licensed pharmacist. The circumstances are as follows:

a. On or about February 26, 2009 in a criminal proceeding entitled *The People of the State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2009, No. 8PS68080), Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23103, subdivision (a) [reckless driving]. Respondent was ordered to serve one day in jail and placed on 24 months summary probation, with terms and conditions. The case was dismissed on or about April 22, 2011 pursuant to Penal Code section 1203.4.

b. On or about December 19, 2012 in a criminal proceeding entitled *The People of the State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2012, No. BA398297), Respondent was convicted of one misdemeanor count for violating Vehicle Code section 14610.1, subdivision (a) [manufacture/sell ID similar to CDL]. Respondent was placed on 24 months probation. Her case was dismissed on or about March 27, 2015 pursuant to Penal Code section 1203.4. The circumstances underlying this conviction are that in 2008, Respondent began working with a friend to manufacture and distribute counterfeit driver's licenses in California and Texas. Respondent acted as the "middle-man" which involved contacting "clients" who were often underage students wanting counterfeit driver's licenses and assisting them in getting the counterfeit license.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Act Involving Dishonesty, Fraud, or Deceit)

9.	Respondent's application for a Pharmac	pist License is subject to denial under		
Code sections 48	0, subdivision (a)(2) and California Code	e of Regulations, title 16, section 1770,		
in that she committed an act involving dishonesty, fraud, or deceit with the intent to substantially				
benefit herself or	another, or substantially injure another.	Complainant realleges paragraph 8(b)		
above.		•		

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

- 1. Denying the application of Heather Lynn Dixon for a Pharmacist License;
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 6/10/16

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VIRGINIA HEROLD Executive Officer Board of Pharmacy

Department of Consumer Affairs

State of California Complainant

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