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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3311

12 **CORTNEY WILLIFORD**
A.K.A. CORTNEY WELLIFORD
13 1132 Godetia Drive
Woodside, California 94062

ACCUSATION

14 Pharmacy Technician License No. TCH 63070

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about June 13, 2005, the Board of Pharmacy issued Pharmacy
22 Technician License Number TCH 63070 to Cortney Williford (Respondent). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on August 31, 2010, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28

1 references are to the Business and Professions Code (Code) unless otherwise indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 4300 of the Code states, in pertinent part:

4 "(a) Every license issued may be suspended or revoked. . . ."

5 5. Section 4301 of the Code states, in pertinent part:

6 "The board shall take action against any holder of a license who is guilty of
7 unprofessional conduct Unprofessional conduct shall include, but is not limited to, any of
8 the following:

9 "(j) The violation of any of the statutes of this state, or any other state, or of the
10 United States regulating controlled substances and dangerous drugs.

11 ". . . ."

12 "(l) The conviction of a crime substantially related to the qualifications, functions,
13 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
14 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
15 substances or of a violation of the statutes of this state regulating controlled substances or
16 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
17 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
18 The board may inquire into the circumstances surrounding the commission of the crime, in order
19 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
20 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
21 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
22 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
23 meaning of this provision. The board may take action when the time for appeal has elapsed, or
24 the judgment of conviction has been affirmed on appeal or when an order granting probation is
25 made suspending the imposition of sentence, irrespective of a subsequent order under Section
26 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
27 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
28 or indictment. . . ."

1 6. Title 16, California Code of Regulations (CCR), section 1770, states:

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

8 7. Section 4022 of the Code states, in pertinent part:

9 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
10 self-use in humans or animals, and includes the following:

11 "(c) Any other drug or device that by federal or state law can be lawfully
12 dispensed only on prescription or furnished pursuant to Section 4006."

13 8. Section 4060 of the Code states, in pertinent part:

14 "No person shall possess any controlled substance, except that furnished to a
15 person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
16 naturopathic doctor"

17 9. Section 118 of the Code states, in pertinent part:

18 "(b) The suspension, expiration, or forfeiture by operation of law of a license
19 issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the
20 board or by order of a court of law, or its surrender without the written consent of the board, shall
21 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
22 board of its authority to institute or continue a disciplinary proceeding against the licensee upon
23 any ground provided by law or to enter an order suspending or revoking the license or otherwise
24 taking disciplinary action against the licensee on any such ground.

25 "(c) As used in this section, 'board' includes an individual who is authorized by
26 any provision of this code to issue, suspend, or revoke a license, and 'license' includes
27 'certificate,' 'registration,' and 'permit.'"

28 10. Section 125.3 of the Code states, in pertinent part, that the Board may

1 request the administrative law judge to direct a licentiate found to have committed a violation or
2 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
3 and enforcement of the case.

4 DRUGS

5 11. "Marijuana" is a Schedule I controlled substance, as designated by
6 Health and Safety Code section 11054(d)(13), and a dangerous drug pursuant to Business and
7 Professions Code section 4022 in that it can be lawfully dispensed only by prescription.

8 12. "Methylenedioxymethamphetamine" is a Schedule I controlled
9 substance, as designated by Health and Safety Code sections 11054(d)(6) and 11401(a), and a
10 dangerous drug pursuant to Business and Professions Code section 4022 in that it can be lawfully
11 dispensed only by prescription.

12 13. "Psilocyn" is a Schedule I controlled substance, as designated by Health
13 and Safety Code section 11054(d)(19), and a dangerous drug pursuant to Business and
14 Professions Code section 4022 in that it can be lawfully dispensed only by prescription.

15 FIRST CAUSE FOR DISCIPLINE

16 **(Unprofessional Conduct: Conviction of a Substantially Related Crime)**

17 14. Respondent is subject to disciplinary action under Code section 4301(I) in
18 that she was convicted of a crime substantially related to the qualifications, functions, and duties
19 of a pharmacy technician, as defined in Title 16, CCR, section 1770. The circumstances are set
20 forth in paragraph 15, below.

21 15. On or about October 18, 2007, in *People v. Cortney Welliford*, Contra
22 Costa County Superior Court Case Number 1-130500-2, Respondent was convicted by a plea of
23 no contest of felony violations of Health and Safety Code sections 11378, Possessing a
24 Controlled Substance (Psilocyn) for Sale, and 11377(a), Possessing a Controlled Substance
25 (MDMA). Respondent was sentenced to serve 90 days in the county jail and was placed on three
26 years probation.

27 The factual circumstances of said convictions are that on or about February 17, 2007,
28 Respondent was stopped by a Contra Costa County Sheriff's Deputy for violations of the Vehicle

1 Code. When Respondent was unable to produce identification, the deputy conducted a search of
2 Respondent's vehicle and located approximately 307.72 grams of Psilocyn, 3.30 grams of
3 Marijuana, a small number of pills, including one Methylenedioxyamphetamine (MDMA)
4 tablet, and \$500 cash. Respondent admitted to the deputy that the drugs were hers and, when
5 asked if she was selling the drugs, she stated, "It's something I do" and "I try not to."

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct: Violation of State Statutes**

8 **Regulating Controlled Substances and Dangerous Drugs)**

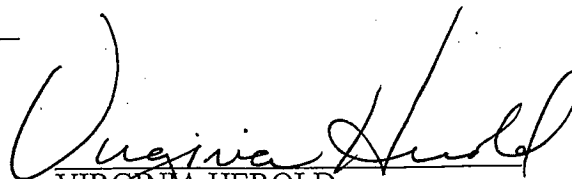
9 16. Respondent is subject to disciplinary action under Code section 4301(j) in
10 that she violated the statutes of this state regulating controlled substances and dangerous drugs,
11 namely Health and Safety Code sections 11378 and 11377(a). The circumstances are set forth in
12 paragraph 15, above.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician License Number TCH
17 63070, issued to Cortney Williford;
- 18 2. Ordering Cortney Williford to pay the Board of Pharmacy the reasonable
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions
20 Code section 125.3;
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 5/14/09

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25 

26 VIRGINIA HEROLD
27 Executive Officer
28 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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