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

11 In the Matter of the Accusation Against:

Case No. 3962

12 **LILLIAN M. TOWLE a.k.a.**  
13 **LILLIAN MARIE TOWLE**  
5941 Oak Avenue  
Carmichael, California 95608

**A C C U S A T I O N**

14 Pharmacy Technician License TCH 43117

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

21 2. On or about July 26, 2002, the Board of Pharmacy issued Pharmacy Technician  
22 License No. TCH 43117 to Lillian M. Towle (Respondent). The Pharmacy Technician License  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 July 31, 2011, unless renewed.

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1 be conclusive evidence only of the fact that the conviction occurred. The board may  
2 inquire into the circumstances surrounding the commission of the crime, in order to  
3 fix the degree of discipline or, in the case of a conviction not involving controlled  
4 substances or dangerous drugs, to determine if the conviction is of an offense  
5 substantially related to the qualifications, functions, and duties of a licensee under this  
6 chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere  
7 is deemed to be a conviction within the meaning of this provision. The board may  
8 take action when the time for appeal has elapsed, or the judgment of conviction has  
9 been affirmed on appeal or when an order granting probation is made suspending the  
10 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the  
11 Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
12 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
13 information, or indictment.

14 ...

15 6. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licensee found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case.

#### 19 FIRST CAUSE FOR DISCIPLINE

##### 20 (Unprofessional Conduct: Criminal Convictions)

21 7. Respondent is subject to disciplinary action under sections 4301, subdivision (k) and  
22 4301, subdivision (l), for unprofessional conduct in that Respondent suffered the criminal  
23 convictions substantially related to the qualifications, functions, or duties of a pharmacy  
24 technician. Respondent's criminal convictions and their circumstances described below.

25 (a) On or about March 26, 2010, Respondent was convicted by her plea of no contest to  
26 violation of Vehicle Code section 23152(a) (driving under the influence of alcohol or drugs), a  
27 misdemeanor, in *People v. Lillian Marie Towle*, Sacramento County Superior Court Case  
28 No. 10T00613.

The circumstances were that on or about January 4, 2010, California Highway Patrol  
officers performed a traffic stop on a vehicle being operated by Respondent that was observed  
speeding and straddling traffic lanes on Fair Oaks Boulevard, Sacramento, California.  
Respondent was arrested when she was unable to perform field sobriety tests satisfactorily and  
manifested other objective signs of intoxication. The results of Respondent's chemical breath test  
showed that Respondent's blood alcohol concentration was .22%.

1 (b) On or about October 13, 2010, Respondent was convicted by her plea of no contest to  
2 violation of Penal Code section 594(a) (vandalism), a misdemeanor, in *People v. Lillian Marie*  
3 *Towle*, Sacramento County Superior Court Case No. 10M05141.

4 The circumstances were that on or about July 27, 2010, Sacramento County Sheriff  
5 Deputies were dispatched to Respondent's residence in response to a 911 call made by R.T, then  
6 Respondent's husband. There, Sheriff Deputies found Respondent in an intoxicated condition  
7 and that Respondent had physically and violently attacked R.T., including striking R.T. in the  
8 face three (3) times, causing a laceration on his left arm and causing a ten (10) inch reddish mark  
9 across R.T.'s chest area. When Respondent was placed in the rear of a patrol vehicle, she  
10 screamed profanities and as she thrashed about, Respondent kicked the rear side window of the  
11 patrol vehicle out of its frame. When Respondent was subsequently removed from the patrol  
12 vehicle, she continued to yell and resisted Sheriff Deputies by twisting her body from side to side.  
13 After applying maximum physical restraints to Respondent's body, she was again placed in the  
14 rear of the patrol vehicle.

15 SECOND CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct: Use of Alcoholic Beverages)

17 8. Paragraphs 7(a) and 7(b) above and Paragraph 10 below are incorporated by  
18 reference. Respondent is subject to disciplinary action under section 4301(h) for unprofessional  
19 conduct in that as alleged, Respondent used alcoholic beverages to the extent or in a manner as to  
20 be dangerous or injurious to herself, or to any other person or to the public, or to the extent that  
21 the use impairs Respondent's ability to conduct with safety to the public the practice authorized  
22 by his pharmacy technician license.

23 OTHER MATTERS

24 9. On or about October 13, 2009, the Board of Pharmacy issued a "Letter of  
25 Admonishment" against Respondent, as authorized by Business & Professions Code sections  
26 4005 and 4315, which is final and effective at this time. Respondent was admonished therein for  
27 unprofessional conduct in that on or about November 2, 2007, Respondent was convicted by her

1 plea of no contest to violation of Vehicle Code section 23152(a) (driving under the influence of a  
2 drug or alcohol), a misdemeanor, on or about August 29, 2007.

3 PRAYER

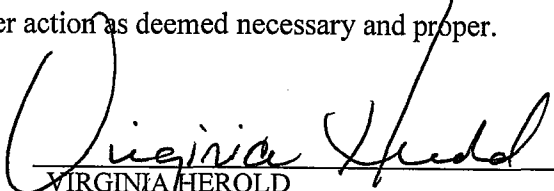
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician License No. TCH 43117, issued to  
7 Lillian Marie Towle;

8 2. Ordering Lillian Marie Towle to pay the Board of Pharmacy the reasonable costs of  
9 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 3/4/11

  
14 VIRGINIA HEROLD  
15 Executive Officer  
16 Board of Pharmacy  
17 Department of Consumer Affairs  
18 State of California  
19 Complainant

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