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

12 In the Matter of the Accusation Against:

Case No. 3977

13 **CYNTHIA RENEE CRUM**
6362 Pointe Ct.
Fontana, CA 92336

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH 44028

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 (Board).

21 2. On or about August 21, 2002, the Board issued Pharmacy Technician Registration
22 No. TCH 44028 to Cynthia Renee Crum (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 February 29, 2012, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 **COST RECOVERY**

5 8. Section 125.3 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licentiate found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **DRUG STATUTES**

10 9. Methamphetamine is a Schedule II controlled substance as designated by Health and
11 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to
12 section 4022.

13 10. Health and Safety code section 11364, subdivision (a), states:

14 "It is unlawful to possess an opium pipe or any device, contrivance, instrument, or
15 paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in
16 subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in
17 paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or
18 (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a
19 controlled substance which is a narcotic drug classified in Schedule III, IV, or V."

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Convictions of Substantially Related Crimes)**

22 11. Respondent is subject to disciplinary action under sections 490 and 4300, 4301,
23 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that
24 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
25 of a licensee or registrant which to a substantial degree evidence her present or potential unfitness
26 to perform the functions authorized by her license or registration in a manner consistent with the
27 public health, safety, or welfare, as follows:

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1 a. On or about June 5, 2009, after pleading nolo contendere, Respondent was convicted
2 of one misdemeanor count of violating Health and Safety Code section 11364(a) [possess
3 controlled substance instrument/paraphernalia] in the criminal proceeding entitled *The People of*
4 *the State of California v. Cynthia Renee Crum* (Super. Ct. San Bernardino County, 2009, No.
5 MV900345). The Court placed Respondent on 24 months probation.

6 b. The circumstances underlying the conviction are that on or about January 2, 2009, officers
7 of the San Bernardino County Sheriff's Department conducted a search of Respondent's
8 residence while executing a parole search related to a parolee who was living at Respondent's
9 residence. At that time, the officers found a glass methamphetamine smoking pipe in
10 Respondent's master bathroom medicine cabinet. After being read her Miranda rights,
11 Respondent admitted to the officers that the pipe was hers and stated that she had been using
12 methamphetamine on and off for several years.

13 c. On or about December 19, 2005, after pleading guilty, Respondent was convicted of
14 one misdemeanor count of violating Penal Code section 148(a)(1) [obstruct/resist public officer]
15 in the criminal proceeding entitled *The People of the State of California v. Cynthia Renee Crum*
16 (Super. Ct. San Bernardino County, 2005, No. MWV101456). The Court placed Respondent on
17 24 months probation.

18 d. The circumstances underlying the conviction are that on or about September 24,
19 2005, Respondent was arrested for obstructing a police officer/resisting arrest during an incident
20 in which an acquaintance of Respondent's was being arrested for violation of Health and Safety
21 code section 11550(a) [under influence of controlled substance].

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct: Violate Drug Statutes)**

24 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
25 subdivision (j), on the grounds that Respondent violated state laws regulating controlled
26 substances and dangerous drugs. Complainant refers to and by this reference incorporates the
27 allegations set forth above in paragraph 11, subparagraphs a – d, inclusive, as though set forth
28 fully.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct: Dangerous Use of Controlled Substances)**

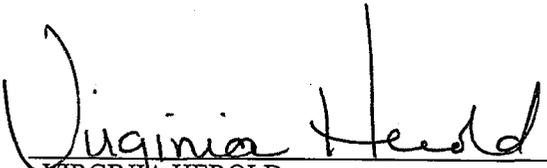
3 13. Respondent is subject to disciplinary action under sections 4300 and 4301,
4 subdivision (h), in that Respondent administered to herself controlled substances, and / or used
5 dangerous drugs to the extent or in a manner which is dangerous or injurious to herself or others.
6 Complainant refers to and by this reference incorporates the allegations set forth above in
7 paragraph 11, subparagraphs a – d, inclusive, as though set forth fully.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration No. TCH 44028, issued
12 to Cynthia Renee Crum:
- 13 2. Ordering Cynthia Renee Crum to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

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17
18 DATED: 8/22/11


19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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