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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. 4629

13 **JOANNE LAFORCE**

**ACCUSATION**

14 3536 Ocean Drive  
Oxnard, CA 93035

[Gov. Code, § 11503.]

15 **Pharmacist License No. RPH 40455**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Complainant Virginia Herold brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, an agency within the Department of Consumer  
22 Affairs.

23 2. On August 28, 1986, the Board issued Registered Pharmacist License Number  
24 RPH 40455 to Respondent Joanne LaForce. The Registered Pharmacist License was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on January 31, 2016  
26 unless it is renewed.

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1 **JURISDICTION**

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

4 4. Section 4300, subdivision (a), of the Code states that “[e]very license issued may be  
5 suspended or revoked.”

6 5. Section 4300.1 of the Code states:

7 The expiration, cancellation, forfeiture, or suspension of a board-issued  
8 license by operation of law or by order or decision of the board or a court of law,  
9 the placement of a license on a retired status, or the voluntary surrender of a  
license by a licensee shall not deprive the board of jurisdiction to commence or  
proceed with any investigation of, or action or disciplinary proceeding against, the  
licensee or to render a decision suspending or revoking the license.

10 **STATUTORY PROVISIONS**

11 6. Section 490 of the Code empowers the Board to suspend or revoke a license on the  
12 ground that a licensee has been convicted of a crime substantially related to the qualifications,  
13 functions or duties of the business or profession for which the license was issued.

14 7. Section 493 of the Code provides that a board may inquire as to the circumstances  
15 surrounding the commission of a crime and that the record of conviction of the crime shall be  
16 conclusive evidence of the fact that the conviction occurred.

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

18 The board shall take action against any holder of a license who is guilty of  
19 unprofessional conduct or whose license has been procured by fraud or  
misrepresentation or issued by mistake. Unprofessional conduct shall include, but  
is not limited to, any of the following:

20 ...

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

22 ...

23 (l) The conviction of a crime substantially related to the qualifications,  
24 functions, and duties of a licensee...[T]he record of conviction shall be conclusive  
25 evidence only of the fact that the conviction occurred. The board may inquire into  
the circumstances surrounding the commission of the crime, in order to fix the  
26 degree of discipline...A plea or verdict of guilty or a conviction following a plea  
of nolo contendere is deemed to be a conviction within the meaning of this  
provision.

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1 (o) Violating or attempting to violate, directly or indirectly, or assisting in  
2 or abetting the violation of or conspiring to violate any provision or term of this  
3 chapter or of the applicable federal and state laws and regulations governing  
4 pharmacy, including regulations established by the board or by any other state or  
5 federal regulatory agency.

6 (p) Actions or conduct that would have warranted denial of a license...

7 9. Section 4307 of the Code states, in pertinent part:

8 (a) Any person who has been denied a license or whose license has been  
9 revoked or is under suspension, or who has failed to renew his or her license while  
10 it was under suspension, or who has been a manager, administrator, owner,  
11 member, officer, director, associate, or partner of any partnership, corporation, firm,  
12 or association whose application for a license has been denied or revoked, is under  
13 suspension or has been placed on probation, and while acting as the manager,  
14 administrator, owner, member, officer, director, associate, or partner had knowledge  
15 of or knowingly participated in any conduct for which the license was denied,  
16 revoked, suspended, or placed on probation, shall be prohibited from serving as a  
17 licensee as follows:

18 (1) Where a probationary license is issued or where an existing license is  
19 placed on probation, this prohibition shall remain in effect for a period not to  
20 exceed five years.

21 (2) Where the license is denied or revoked, the prohibition shall continue until  
22 the license is issued or reinstated...

23 **REGULATORY PROVISIONS**

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

25 For the purpose of denial, suspension, or revocation of a personal or  
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
27 Business and Professions Code, a crime or act shall be considered substantially  
28 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.

**CONTROLLED SUBSTANCE**

11. Marijuana is a Schedule I controlled substance and dangerous drug. (Health & Saf.  
Code, § 11054, subd. (d)(13); Bus. & Prof. Code, § 4022.)

**COST RECOVERY**

12. Section 125.3 of the Code provides that the Board may request the administrative law  
judge to direct a licentiate found to have violated the licensing act to pay a sum not to exceed the  
reasonable costs of the investigation and enforcement of the case.

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**STATEMENT OF FACTS**

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2       13. Between approximately January 8, 2009 and October 28, 2010, Friendlyceuticals, a  
3 California corporation, manufactured marijuana-infused food products and sold them for profit to  
4 marijuana dispensaries. Respondent managed and operated Friendlyceuticals with her ex-  
5 husband. She also ran two marijuana dispensaries on her own, W Farm and V Farm, both of  
6 which sold Friendlyceuticals products.

7       14. On October 28, 2010, the Los Angeles Interagency Metropolitan Police Apprehension  
8 Crime Task Force (LA IMPACT) searched Friendlyceuticals pursuant to a warrant. The officers  
9 seized 1,828 twelve-ounce bottles of tetrahydrocannabinol-infused beverages, representing  
10 approximately 171 gallons of adulterated liquid. Tetrahydrocannabinol (THC) is the  
11 psychoactive ingredient in marijuana and determines the drug's potency.

12       15. In addition, officers recovered 76.4 pounds of THC-fortified butter, nearly half a  
13 pound of THC-based fudge, 72.36 pounds of individually wrapped THC-infused food stuffs,  
14 56.05 pounds of uncut marijuana brownies, 635.6 grams (1.4 lbs.) of raw marijuana powder and  
15 2,156.6 grams (4.75 lbs.) of marijuana buds and leaves.

16       16. On July 19, 2012, Respondent pleaded *nolo contendere* to one felony count of  
17 possessing marijuana for sale (Health & Saf. Code, § 11359); one felony count of manufacturing  
18 a controlled substance (Health & Saf. Code, § 11379.6, subd. (a)); one misdemeanor count of  
19 unlawfully manufacturing, selling and offering adulterated food for sale (Health & Saf. Code, §  
20 110620); and one misdemeanor count of unlawfully adulterating food (Health & Saf. Code, §  
21 110625). The Court sentenced Respondent to one day in jail and placed her on formal probation  
22 for 36 months on the condition that she complete 500 hours of community service and pay \$2,180  
23 in fines and restitution. (*People v. LaForce* (Super. Ct. L.A. County, 2012, No. SA079081).)

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1 OTHER MATTERS

2 21. Pursuant to section 4307 of the Code, if discipline is imposed on Registered  
3 Pharmacist License Number RPH 40455, issued to Respondent Joanne LaForce, then Respondent  
4 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,  
5 associate or partner of a licensee for a period not to exceed five years in the case of probation, or,  
6 in the case of revocation, until the license is reinstated.

7 PRAYER

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

10 1. Revoking or suspending Registered Pharmacist License Number RPH 40455, issued  
11 to Respondent Joanne LaForce;

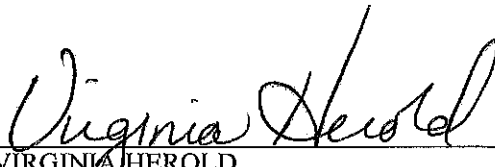
12 2. Ordering Respondent Joanne LaForce to pay the Board the reasonable costs of the  
13 investigation and enforcement of this case, pursuant to Code section 125.3; and

14 3. Prohibiting Respondent Joanne LaForce from serving as a manger, administrator,  
15 owner, member, officer, director, associate or partner of a licensee for a period not to exceed five  
16 years in the case of probation, or, in the case of revocation, until the license is reinstated.

17 4. Taking such other and further action as deemed necessary and proper.

18  
19 DATED: \_\_\_\_\_

8/8/14



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

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