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

12 In the Matter of the Accusation Against:

Case No. 4634

13 **CHRISTINA MARIE LAFLOWER**
23401 Peggy Lane
14 Wildomar, CA 92595

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 119491**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about January 10, 2012, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 119491 to Christina Marie Laflower (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on July 31, 2013, unless renewed.

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1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 4301 of the Code states:

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

10

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

13

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

21

22 10. Section 4022 of the Code states

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

25 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
without prescription," "Rx only," or words of similar import.

26 (b) Any device that bears the statement: "Caution: federal law restricts this
27 device to sale by or on the order of a _____," "Rx only," or words of similar
28 import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

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

3 REGULATORY PROVISIONS

4 11. California Code of Regulations, title 16, section 1769, states:

5

6 (b) When considering the suspension or revocation of a facility or a personal
7 License on the ground that the licensee or the registrant has been convicted of a
8 crime, the board, in evaluating the rehabilitation of such person and his present
9 eligibility for a license will consider the following criteria:

10 (1) Nature and severity of the act(s) or offense(s).

11 (2) Total criminal record.

12 (3) The time that has elapsed since commission of the act(s) or offense(s).

13 (4) Whether the licensee has complied with all terms of parole, probation,
14 restitution or any other sanctions lawfully imposed against the licensee.

15 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

24 COSTS

25 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
included in a stipulated settlement.

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1 **DRUG**

2 14. Tetrahydrocannabinol (THC) is a dangerous drug pursuant to section 4022 and a
3 Schedule I controlled substance as designated by Health and Safety Code section 11054,
4 subdivision (d)(20).

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(December 5, 2012 Criminal Convictions for Manufacturing a Controlled Substance**
7 **& Child Abuse on September 6, 2012)**

8 15. Respondent has subjected her registration to discipline under sections 490 and 4301,
9 subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the
10 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

11 a. On or about October 16, 2012, in a criminal proceeding entitled *People of the*
12 *State of California v. Christina Marie Laflower*, in San Diego County Superior Court, case
13 number SCD243043, Respondent entered a plea of guilty to violating Health and Safety Code
14 section 11379, subdivision (a), manufacturing a controlled substance, to wit, concentrated
15 cannabis, a felony; and Penal Code section 273a, subdivision (a), child abuse, reduced to a
16 misdemeanor pursuant to Penal Code section 17b..

17 b. As a result of the plea, on or about December 5, 2012, Respondent was
18 sentenced to 90 days in jail, with credit for nine days, stayed pending successful completion of
19 four years court-supervised probation. Respondent was ordered to perform 10 days of
20 community service, complete a 52-week Child Abuse Program, pay fines and fees, and submit to
21 a Fourth Amendment waiver. The court further ordered Respondent abstain from the use and/or
22 possession of alcohol, to stay away from any place where alcohol is the main item for sale, not
23 possess any controlled substance without a valid prescription, and not use medical marijuana
24 unless approved by the court.

25 c. The facts that led to the conviction are that on or about September 6, 2012,
26 special agents from the Drug Enforcement Administration (DEA), deputies from the San Diego
27 County Sheriff's Office (SDSO), and officers from other law enforcement agencies executed a
28 search warrant on a Pauma Valley residence Respondent shared with her boyfriend and several

1 roommates. The law enforcement officers discovered and seized a marijuana cultivation
2 operation, including 110 live marijuana plants and a tetrahydrocannabinol extraction laboratory.
3 Also seized were 9.7 gross kilograms of processed marijuana, 80.5 gross grams of liquid gamma-
4 hydroxybutyric acid (GHB), nine tablets of Zanax in an unmarked container, three digital scales,
5 and a sundry of non-drug items such as \$2,484 in U.S. currency, cellular telephones, and "pay-
6 owe" notes indicative of marijuana sales. Three juvenile children, including Respondent's young
7 son, were taken into protective custody by Child Welfare Services.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Violation of California Statutes Regulating Controlled Substances)**

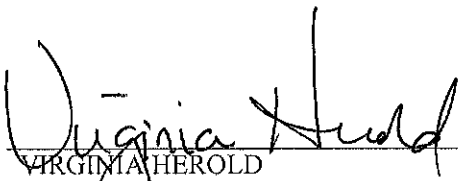
10 16. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the
11 Code for unprofessional conduct in that on or about September 6, 2012, Respondent violated
12 Health and Safety Code section 11379, subdivision (a), for manufacturing concentrated cannabis,
13 as described in paragraph 15, above.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 119491,
18 issued to Christina Marie Laflower;
- 19 2. Ordering Christina Marie Laflower to pay the Board of Pharmacy the reasonable
20 costs of the investigation and enforcement of this case, pursuant to Business and Professions
21 Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

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24
25 DATED: 7/22/13


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

SD2013805104