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8  
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. 4741

13 **KRYSTLE AMBER MOBLEY**  
2340 Mission St.  
14 Escalon, CA 95320

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

15 **Pharmacy Technician Registration No.**  
16 **69734**

17 Respondent.

18  
19 Virginia Herold ("Complainant") alleges:

20 **PARTIES**

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

23 2. On or about June 28, 2006, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number 69734 to Krystle Amber Mobley ("Respondent"). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and will  
26 expire on September 30, 2013, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy ("Board"), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code unless otherwise indicated.

5 4. Code section 4300 provides, in pertinent part, that every license issued may be  
6 suspended or revoked.

7 5. Code section 4300.1 states:

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

13 **STATUTORY PROVISIONS**

14 6. Code section 4060 provides, in pertinent part, that no person shall possess any  
15 controlled substance except that furnished upon a valid prescription.

16 7. Code section 4301 states, in pertinent part:

17 The board shall take action against any holder of a license who is guilty of unprofessional  
18 conduct. Unprofessional conduct shall include, but is not limited to, any of the following:

19 ...

20 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
21 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
22 whether the act is a felony or misdemeanor or not."

23 "(g) Knowingly making or signing any certificate or other document that falsely represents  
24 the existence or nonexistence of a state of facts."

25 ...

26 "(i) The conviction of a crime substantially related to the qualifications, functions, and duties  
27 of a licensee under this chapter.

28 ...



1 insurance. In preparation for towing, the Officer conducted an inventory search of Respondent's  
2 vehicle and recovered various items, including: (1) a plastic bag retrieved from the driver side door  
3 storage compartment which contained 14 white pills imprinted with L374 and 21 yellow pills  
4 imprinted with TL177; (2) a clear plastic baggie with marijuana leafs imprinted which contained  
5 residue of an off white powdery substance was retrieved from Respondent's purse; (3) Aluminum  
6 foil with charred residue; (4) a small blue pill imprinted with 10 DAN 5620; and (5) a glass pipe  
7 with burnt residue. The Officer learned that the 14 white pills were over the counter medication to  
8 treat migraines and the 21 yellow pills were Flexeril, a muscle relaxer. Respondent admitted that  
9 she found the pills inside a drawer at her grandfather's house and that she did not have a  
10 prescription to possess the Flexeril. Respondent also admitted that the residue found inside the  
11 clear plastic baggie was Methamphetamine and that she used the aluminum foil to smoke Heroin.  
12 Respondent admitted to the Officer that she was addicted to Heroin and had to smoke it at least  
13 once a day to avoid getting sick and to avoid having any withdrawal symptoms, and that she only  
14 smokes Methamphetamine to avoid getting sick when she can't get any Heroin.

### 15 SECOND CAUSE FOR DISCIPLINE

#### 16 (Unlawful Possession of Controlled Substance)

17 14. Respondent is subject to discipline under Code section 4060, in that Respondent was  
18 in possession of a controlled substance without authorization or a valid prescription. The  
19 circumstances are as follows:

20 (a) On or about July 11, 2013, Respondent was stopped by a Modesto Police  
21 Officer for using her cellular phone while driving. A records check of respondent's license  
22 confirmed Respondent's license was suspended since March of 2012. In preparation for towing,  
23 the Officer conducted an inventory search of Respondent's vehicle. In conducting the inventory  
24 search, the Officer found three square pieces of tin foil with blackened residue on them, two  
25 square pieces of tin foil wrapped up that had a black tar-like substance inside of them located in  
26 the driver's side door panel, and three plastic straws. Respondent admitted that she uses the  
27 straws to smoke her Heroin. The Officer conducted a chemical test on the black tar like substance  
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1 found in the tin foil and it showed to be presumptive positive for Heroin. Respondent admitted to  
2 using Heroin for at least a year, and said that she usually spends up to \$40-50 per day on Heroin.

3 (b) On or about July 11, 2013, Respondent admitted to possessing and using crystal  
4 methamphetamine.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Acts Involving Dishonesty, Fraud, Deceit, or Corruption)**

7 15. Respondent is subject to discipline under Code section 4301, subdivision (f), in that  
8 Respondent committed acts involving dishonesty, fraud, deceit or corruption. The circumstances  
9 are as follows:

10 (a) On or about June 3, 2013, a Police Officer with the Modesto Police Department  
11 was dispatched to Buckle (a clothing store) regarding a forgery investigation involving  
12 Respondent. During the Officer's contact with Respondent, he asked if she had any identification  
13 and she told him no. Upon a consent search of Respondent's purse, the officer found a driver's  
14 license with Respondent's photograph as T.C. The Officer recognized the photograph in fact to be  
15 Respondent, the person he was talking to. The Officer escorted Respondent to his office in the  
16 mall and informed her that the manager and employee of Buckle suspected Respondent of using a  
17 false drivers' license on separate occasions and the Buckle account she used was also found to be  
18 fraudulent.

19 (b) On or about May 29, 2013, Respondent entered Buckle and made a purchase  
20 with a gift card and a Buckle account, knowing the last four digits of the social security number on  
21 the account. Respondent also provided the Buckle employee a drivers license with Respondent's  
22 photograph as L.F., completed the transaction with her signature, and left the store with the  
23 merchandise. On or about May 29, 2013, Respondent returned to the store for a second time and  
24 purchased a \$200 gift card on the same Buckle account and completed the transaction with her  
25 signature.

26 (c) Respondent admitted to knowing a J.L., who is able to provide her with a  
27 drivers license with her actual photo, and the last four digits of a social security number which  
28 allows her to go into Buckle and charge on an account. Respondent also admitted that she gets to

1 keep the purchased merchandise, however has to give the gift cards along with the fictitious  
2 licenses and social security numbers to J.L. Respondent acknowledged that she is aware of  
3 another female doing the same thing, however did not have any information about her. When  
4 asked why she was committing these fraudulent acts, Respondent admitted that she has been  
5 addicted to Heroin for approximately a year and a half.

6 16. On or about June 27, 2013, a criminal complaint was filed in the matter of *People v.*  
7 *Krystle Amber Mobley* (Superior Court, Stanislaus County), charging violation of Penal Code  
8 section 470, subdivision (a) (Forgery), a felony. The criminal complaint is currently pending.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Knowingly Signing a Document that Falsely Represents the Existence or Nonexistence of a**  
11 **State of Facts)**

12 17. Respondent is subject to discipline under Code section 4301, subdivision (g), in that  
13 on or about June 3, 2013, and May 29, 2013, Respondent knowingly signed for transaction  
14 charges on a store charge account using the identification and social security number that was not  
15 Respondent's. The facts and circumstances are more fully set forth above in paragraph 15 and its  
16 subparts, and paragraph 16.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Violating Laws Governing Pharmacy)**

19 18. Respondent is subject to discipline under Code section 4301, subdivision (o), in that  
20 Respondent violated the laws and regulations governing pharmacy, as set forth more fully above in  
21 paragraphs 11 through 17.

22 **DISCIPLINE CONSIDERATIONS**

23 19. On or about March 17, 2010, the Board issued a Letter of Admonishment, Citation  
24 Number CI 2008 39003, to Respondent, for violations of Code section 4301, subdivision (h) (use  
25 of alcoholic beverage in a manner dangerous or injurious to self or others), on or about July 29,  
26 2008, and Code section 4301, subdivision (l) (conviction of crime), on or about July 14, 2009.

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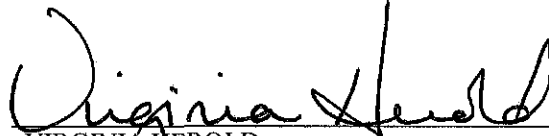
**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number 69734, issued to Krystle Amber Mobley;
2. Ordering Krystle Amber Mobley to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

10/21/13



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

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