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

11 In the Matter of the Accusation:

Case No. 4993

12 **LAWRENCE EASTMAN GOODERMONT**
13 **AKA LARRY EASTMAN GOODERMONT**
14 **1417 North Vista #101**
Los Angeles, CA 90046

A C C U S A T I O N

15 **Pharmacy Technician Registration**
No. TCH 49322

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about August 25, 2003, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 49322 to Lawrence Eastman Goodermont aka Larry Eastman
24 Goodermont ("Respondent"). The Pharmacy Technician Registration was in full force and effect
25 at all times relevant to the charges brought herein and will expire on January 31, 2017, unless
26 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. Section 4300.1 of the Code states:

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

11 5. Section 4300 of the Code states, in pertinent part:

12 "(a) Every license issued may be suspended or revoked.

13 "(b) The board shall discipline the holder of any license issued by the board, whose default
14 has been entered or whose case has been heard by the board and found guilty, by any of the
15 following methods:

16 "(1) Suspending judgment.

17 "(2) Placing him or her upon probation.

18 "(3) Suspending his or her right to practice for a period not exceeding one year.

19 "(4) Revoking his or her license.

20 "(5) Taking any other action in relation to disciplining him or her as the board in its
21 discretion may deem proper.

22 **STATUTORY PROVISIONS**

23 6. Section 4060 of the Code states, in pertinent part:

24 "No person shall possess any controlled substance, except that furnished to a person upon
25 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
26 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
27 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
28 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,

1 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
2 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
3 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
4 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
5 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
6 labeled with the name and address of the supplier or producer. . . ."

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

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

11

12 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
13 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
14 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
15 to the extent that the use impairs the ability of the person to conduct with safety to the public the
16 practice authorized by the license.

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

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21 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
22 violation of or conspiring to violate any provision or term of this chapter or of the applicable
23 federal and state laws and regulations governing pharmacy, including regulations established by
24 the board or by any other state or federal regulatory agency. . . ."

25 8. Health and Safety Code Section 11364, subdivision (a) states, in pertinent part:

26 "It is unlawful to possess an opium pipe or any device, contrivance, instrument, or
27 paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in
28 subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section 11054, specified in

1 paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or
2 (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a
3 controlled substance that is a narcotic drug classified in Schedule III, IV, or V.”

4 9. Health and Safety Code Section 11377, subdivision (a) states, in pertinent part:

5 “[E]very person who possesses any controlled substance which is (1) classified in Schedule
6 III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054,
7 except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of
8 subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section
9 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the
10 prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state,
11 shall be punished by imprisonment in a county jail....”

12 **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

13 10. Methamphetamine is a controlled substance pursuant to Health and Safety Code
14 section 11055, subdivision (d)(2) and is a dangerous drug pursuant to Code section 4022.

15 **COST RECOVERY**

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Unlawful Possession of a Controlled Substance)**

22 12. Respondent is subject to disciplinary action under Code sections 4060 and 4301,
23 subdivisions (o) on the grounds of unprofessional conduct in that Respondent violated the
24 Pharmacy Law by unlawfully possessing a controlled substance, to wit: methamphetamine. The
25 circumstances are as follows:

26 (a) On or about March 17, 2013, Los Angeles Police Department officers conducted a
27 routine traffic stop of Respondent's vehicle. During a search of the vehicle, an officer recovered a
28 small black shoulder bag that contained a brown pill canister. Inside the canister was a clear

1 plastic baggie with a clear crystalline substance resembling methamphetamine that weighed 0.37
2 grams. The officer also recovered a clear glass pipe with a glass bowl at the end containing a
3 charred white residue consistent with methamphetamine. Respondent admitted that the
4 methamphetamine was his and that he had been smoking it for 10 years.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unlawful Use of a Controlled Substance)**

7 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
8 on the grounds of unprofessional conduct in that Respondent administered to himself a controlled
9 substance to wit: methamphetamine, to the extent or in a manner dangerous or injurious to
10 himself or to the extent that the use impaired his ability to conduct with safety to the public the
11 practice authorized by his pharmacy technician registration. On or about March 17, 2013,
12 Respondent admitted to a Los Angeles Police Department officer that he had smoked
13 methamphetamine for 10 years.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Violation of State Laws Regulating Controlled Substance)**

16 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
17 in conjunction with Health & Safety Code Sections 11364, subdivision (a) and 11377, subdivision
18 (a) on the grounds of unprofessional conduct in that Respondent violated California statutes
19 regulating controlled substances and dangerous drugs. Complainant refers to, and by this
20 reference incorporates, the allegations set forth above in paragraphs 12 and 13 inclusive, as
21 though fully set forth fully herein.

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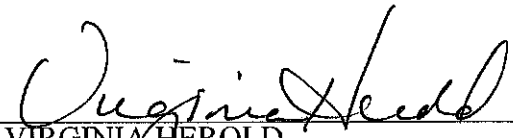
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PRAAYER

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 TCH 49322, issued to Lawrence Eastman Goodermont aka Larry Eastman Goodermont;
2. Ordering Lawrence Eastman Goodermont aka Larry Eastman Goodermont 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/12/15 

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

LA2013510639/51468204.doc/02.28.2014