

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 5071

11 **PATTY ADRIANA DRIBON**  
12 13755 Wingo Street  
Arleta, CA 91321

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

13 Pharmacy Technician Registration  
14 No. TCH 124325

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 June 25, 2012, the Board issued Pharmacy Technician Registration No.  
22 TCH 124325 to Patty Adriana Dribon ("Respondent"). The Pharmacy Technician Registration  
23 expired on November 30, 2013, and has not been renewed.

24 **JURISDICTION**

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

27 4. Section 4300 provides in pertinent part, that every license issued by the Boards is  
28 subject to discipline, including suspension or revocation.



1 or a pharmacist pursuant to either Section 4052.1 or 4052.2. This section does not apply to the  
2 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,  
3 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-  
4 midwife, nurse practitioner, or physician assistant, if in stock in containers correctly labeled with  
5 the name and address of the supplier or producer.”

6 8. Section 4301 states, in pertinent part:

7 "The board shall take action against any holder of a license who is guilty of unprofessional  
8 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
9 Unprofessional conduct shall include, but is 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 United  
12 States regulating controlled substances and dangerous drugs.

13 . . .

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

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 . . .

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

8 9. Health and Safety Code section 11350, subdivision (a), states:

9 "Except as otherwise provided in this division, every person who possesses (1) any  
10 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of  
11 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or  
12 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section  
13 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic  
14 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian  
15 licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of  
16 Section 1170 of the Penal Code."

17 **REGULATORY PROVISIONS**

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

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

25 **COST RECOVERY**

26 11. Section 125.3 states, in pertinent part, that the Board may request the administrative  
27 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
28

1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case.

### 3 CONTROLLED SUBSTANCES

4 12. "Cocaine," is a Schedule II controlled substance as defined in Health and Safety  
5 Code section 11055, subdivision (b)(6), and "Cocaine base" is a Schedule I controlled substance  
6 as defined in Health and Safety Code section 11054, subdivision (f)(1). It is categorized as a  
7 dangerous drug according to section 4022.

8 13. "Heroin," is a Schedule I controlled substance as defined in Health and Safety Code  
9 section 11054, subdivision (c)(11), and is categorized as a dangerous drug pursuant to section  
10 4022.

11 14. "Methamphetamine," is a Schedule II controlled substance as defined in Health and  
12 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to  
13 section 4022.

14 15. "Oxycodone," is a Schedule II controlled substance as defined in Health and Safety  
15 Code section 11055, subdivision (b)(1)(M), and is categorized as a dangerous drug pursuant to  
16 section 4022.

17 16. "Xanax," a brand name for Alprazolam, is a Schedule IV controlled substance as  
18 defined in Health and Safety Code section 11057, subdivision (d)(1), and is categorized as a  
19 dangerous drug pursuant to section 4022.

### 20 FIRST CAUSE FOR DISCIPLINE

#### 21 **(Conviction of a Substantially Related Crime)**

22 17. Respondent is subject to disciplinary action under section 4301, subdivision (l), and  
23 section 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
24 Respondent was convicted of a crime substantially related to the qualifications, functions, and  
25 duties of a pharmacy technician, as follows:

26 a. On or about October 29, 2013, after pleading guilty, Respondent was convicted of  
27 one felony count of violating Health and Safety Code section 11378 [possession of a controlled  
28 substance for sale] and one felony count of violating section Health and Safety Code 11379,

1 subdivision (a) [sale/offer to sell/transportation of a controlled substance], in the criminal  
2 proceeding entitled *The People of the State of California v. Patty Adriana Dribon* (Super. Ct. Los  
3 Angeles County, 2013, No. BA417716). The Court sentenced Respondent to serve 270 days in  
4 Los Angeles County Jail and placed her on formal probation for three (3) years.

5 b. The circumstances surrounding the conviction are that on or about October 23, 2013,  
6 Los Angeles Police Department officers initiated a traffic stop and asked the driver and the  
7 Respondent to exit the vehicle. During an interview with the Respondent, an officer observed a  
8 plastic baggy in Respondent's boot. The officer retrieved the baggy and found a large amount of  
9 a substance that appeared to be Methamphetamine. During a search of the vehicle, officers also  
10 found a bag containing a large amount of Methamphetamine, cocaine, tar heroin, oxycodone and  
11 a glass vial of yellow pills resembling Xanax, along with many empty baggies.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Possession of Controlled Substances)**

14 18. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
15 (o), for violating section 4060 and Health and Safety Code section 11350, subdivision (a), in that  
16 Respondent was found to be in illegal possession of controlled substances. Complainant refers to,  
17 and by this reference incorporates, the allegations set forth above in paragraph 17, subparagraphs  
18 (a) and (b) inclusive, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violation of the Pharmacy Law)**

21 19. Respondent is subject to disciplinary action under section 4301, subdivision (o), in  
22 that Respondent violated provisions of the Pharmacy Law. Complainant refers to, and by this  
23 reference incorporates, the allegations set forth above in paragraphs 17 and 18, inclusive, as  
24 though set forth fully.

25 **PRAYER**

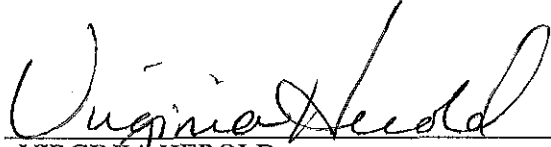
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Board issue a decision:

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1. Revoking or suspending Pharmacy Technician Registration No. TCH 124325, issued to Patty Adriana Dribon;
2. Ordering Patty Adriana Dribon to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 6/9/14



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

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