

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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. 5566

13 **TARA BRIANN FLORES**
14 **3449 Corvallis Street**
Carlsbad, CA 92010

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH 107738**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On October 26, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 107738 to Tara Briann Flores (Respondent). Respondent has also
24 been known as Tara Elizabeth Br Flores and Tara Flores. The Pharmacy Technician Registration
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2016, unless renewed.

27 ///

28 ///

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, subdivision (a), of the Code provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to
15 evaluate the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or
- 17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation
19 furnished by the applicant or licensee.

20 7. Section 4301 of the Code states:

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

25

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

. . . .

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

. . . .

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

12

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

14

15 8. Health & Safety Code section 11364.1, subdivision (a) states:

16 It is unlawful to possess an opium pipe or any device, contrivance,
17 instrument, or paraphernalia used for unlawfully injecting or smoking (1) a
18 controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of
19 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
20 subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section
21 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a
22 controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

21 REGULATORY PROVISIONS

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

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

27 ///

28 ///

1 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(June 25, 2014 Conviction for Driving on a Suspended License on September 24, 2013)**

10 11. Respondent has subjected her Pharmacy Technician Registration to disciplinary
11 action under Code section 4301, subdivision (I) in that she was convicted of a crime that is
12 substantially related to the qualifications, functions, and duties of a registered pharmacy
13 technician. The circumstances are as follows:

14 a. On June 25, 2014, in a criminal proceeding entitled *The People of the*
15 *State of California v. Tara Briann Flores*, in the Los Angeles County Superior Court, Glendale
16 Courthouse, Criminal Division Case Number 3GN03695, Respondent was convicted on her plea
17 of *nolo contendere* to violating Vehicle Code (VC) section 14601.1, subdivision (a), driving
18 when privilege is suspended or revoked, a misdemeanor.

19 b. As a result of the conviction, on June 25, 2014, Respondent was sentenced
20 to 10 days in the Los Angeles County Jail, with credit for ten days, and granted 36 months
21 summary probation under certain terms and conditions. Respondent was ordered to pay a fine,
22 which was deemed satisfied by Respondent's credit of 12 days in custody.

23 c. The facts that led to the conviction are that on September 24, 2013,
24 Respondent drove a vehicle upon a highway in Los Angeles County, California. During an
25 enforcement stop initiated by a California Highway Patrol (CHP) officer, Respondent was found
26 driving her vehicle when her privilege to drive was suspended or revoked.

27 ///

28 ///

1 SECOND CAUSE FOR DISCIPLINE

2 (Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)

3 12. Respondent has subjected her Pharmacy Technician Registration to disciplinary
4 action under Code section 4301, subdivision (f), in that on July 27, 2014, Respondent unlawfully
5 possessed a paraphernalia used for smoking a controlled substance, an act involving moral
6 turpitude, dishonesty, fraud, or deceit. The circumstances are as follows:

7 a. On July 27, 2014, Respondent parked at a gas station after hitting a curb in
8 a neighborhood in San Marino, California. An officer from the San Marino Police Department
9 asked Respondent if she was okay and if the interior of the vehicle may be searched. Respondent
10 consented to the search and told the officer that everything inside the vehicle was hers. During
11 the search of Respondent's car, the officer found a glass methamphetamine pipe inside the back
12 pocket of the front passenger seat. Respondent was thereafter issued an Own Recognizance
13 Citation and ordered to appear in the Los Angeles County Superior Court, Alhambra Courthouse.

14 b. On December 3, 2014, in a criminal proceeding entitled *The People of the*
15 *State of California vs. v. Tara Elizabeth Br Flores*, in Los Angeles County Superior Court,
16 Alhambra Courthouse, Case Number 4AH03632, Respondent was convicted on her plea of *nolo*
17 *contendere* to violating Health and Safety Code (HSC) section 11364.1, subdivision (a)(1),
18 possession of paraphernalia used for smoking a controlled substance specified in subdivision (b),
19 (c), or (e), or paragraph (1) of subdivision (f) of HSC section 11054, specified in paragraph (14),
20 (15), or (20) of subdivision (d) of HSC section 11054, specified in subdivision (b) or (c) of HSC
21 section 11055, or specified in paragraph (2) of subdivision (d) of HSC section 11055, a
22 misdemeanor.

23 c. As a result of the conviction, on December 3, 2014, Respondent was
24 scheduled for probation and sentence hearing on January 8, 2015. Respondent was issued a
25 bench warrant in the amount of \$30,000.00, which was recalled. Respondent was granted the
26 option to withdraw her plea and the matter would be dismissed if Respondent completed 20
27 narcotics anonymous (NA) meetings. On January 8, 2015, respondent filed proof of completion

28 ///

1 of 20 NA meetings, her plea of *nolo contendere* was withdrawn, and the matter was dismissed
2 under Penal Code (PC) section 1385.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

5 13. Respondent has subjected her Pharmacy Technician Registration to disciplinary
6 action under Code section 4301, subdivision (f), in that Respondent committed acts involving
7 moral turpitude, dishonesty, fraud, or deceit. The circumstances are that on September 22, 2014,
8 in Glendale, California, Respondent, who was driving alone in her car, used a preferential
9 highway lane that was reserved for the exclusive use of high occupancy vehicles, in violation of
10 VC section 21655.5, subdivision (b). A CHP officer initiated an enforcement stop and demanded
11 from Respondent her driver's license. The officer found that Respondent was driving her car upon
12 a highway, without a valid driver's license in her possession, in violation of VC section 12951,
13 subdivision (a), and at a time when her driving privilege was suspended, in violation of VC
14 section 14601.1, subdivision (a).

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violation of Drug Laws)**

17 14. Respondent subjected her Pharmacy Technician Registration to discipline under
18 Code section 4301, subdivision (j) in that she violated HSC sections 11364.1, subdivision (a)(1),
19 a statute of the State of California regulating controlled substances, as detailed in paragraph 12,
20 above.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Conduct That Would Have Warranted Denial of a License)**

23 15. Respondent subjected her Pharmacy Technician Registration to discipline under
24 Code section 4301, subdivision (p), in that Respondent was convicted of a misdemeanor, conduct
25 that would have warranted the denial of a pharmacy technician registration under Code section
26 480, subdivision (a)(1), as detailed in paragraph 11, above.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 TCH 107738, issued to Tara Briann Flores;
2. Ordering Tara Briann Flores 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: 9/20/15



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

SD2015801943
81139316.doc