

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5676

12 **MARY JO CORDILL**
13 5906 W. Beech
Visalia, CA 93277

ACCUSATION

14 **Original Pharmacy Technician Registration**
15 **No. TCH 74820**

16 Respondent.

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about March 7, 2007, the Board issued Original Pharmacy Technician
22 Registration Number TCH 74820 to Mary Jo Cordill ("Respondent"). The original pharmacy
23 technician registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2016, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 4300 states, in pertinent part:

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

28 ///

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

3 (1) Suspending judgment.

4 (2) Placing him or her upon probation.

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

6 (4) Revoking his or her license.

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

9 4. Code section 4300.1 states:

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

14 STATUTORY AND REGULATORY PROVISIONS

15 5. Code section 4301 states, in pertinent part:

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

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

22 (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.

23 (l) The conviction of a crime substantially related to the qualifications,
24 functions, and duties of a licensee under this chapter. The record of conviction of a
25 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
26 States Code regulating controlled substances or of a violation of the statutes of this
27 state regulating controlled substances or dangerous drugs shall be conclusive
28 evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this

1 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
2 contendere is deemed to be a conviction within the meaning of this provision. The
3 board may take action when the time for appeal has elapsed, or the judgment of
4 conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under
6 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
7 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
8 dismissing the accusation, information, or indictment.

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

9 6. Code section 4060 states, in pertinent part:

10 No person shall possess any controlled substance, except that furnished to a
11 person upon the prescription of a physician, dentist, podiatrist, optometrist,
12 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
13 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
14 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to
15 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist
16 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

15 7. Health and Safety Code section 11170 states, "No person shall prescribe, administer,
16 or furnish a controlled substance for himself."

17 COST RECOVERY

18 8. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licentiate found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 DRUG

25 9. *Heroin* is a Schedule I controlled substance pursuant to Health and Safety Code
26 section 11054(c).

27 11. *Methamphetamine* is a Schedule II controlled substance as designated by Health and
28 Safety Code section 11055(d)(2).

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Criminal Conviction)

3 10. Respondent is subject to disciplinary action pursuant to Code section 4301(I), on the
4 grounds of unprofessional conduct, in that Respondent committed a crime substantially related to
5 the qualifications, functions, and duties of a licensed pharmacy technician. Specifically, on or
6 about May 29, 2015, in a criminal proceeding entitled *People v. Mary Jo Cordill*, Tulare County
7 Superior Court, Case No. VCF293751, Respondent was convicted by the court on her plea of
8 guilty to violating Health and Safety Code section 11350(a) (possession of a controlled
9 substance), a felony, which was reduced to a misdemeanor. The circumstances of the crime are
10 that on or about January 9, 2014, an officer with the Visalia Police Department spotted
11 Respondent at an apartment complex that had a history of illicit drug activity. The officer
12 questioned Respondent, who became extremely irate and swore and yelled at the officer. A
13 substance that tested positive for heroin was found amongst items that Respondent claimed were
14 hers.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Violation of State Laws Regulating Controlled Substances)

17 11. On or about December 28, 2012, an officer with the Visalia Police Department
18 responded to a report of a domestic disturbance at Respondent's residence. The officer entered
19 Respondent's home and observed that Respondent's three-year-old daughter was in the living
20 room, which had broken glass on the floor. The officer found a pipe on a paper towel, both of
21 which had a black residue. Respondent admitted to the officer that she smoked methamphetamine
22 the prior evening.

23 12. On or about March 2, 2014, an officer with the Visalia Police Department responded
24 to a report from "J.C.", who stated that Respondent, J.C.'s daughter, was violating the restraining
25 order J.C. had against her. The officer found Respondent nearby, screaming loudly. Her pupils
26 were dilated and her eyes were bloodshot and watery. Respondent admitted that she uses heroin
27 and "meth", and stated that her neck and back had abscesses. Respondent randomly screamed that
28

1 she was the mother of God and that her soul had been murdered. Respondent tested positive for
2 methamphetamine and amphetamine.

3 13. Respondent is subject to disciplinary action pursuant to Code section 4301(j), on the
4 grounds of unprofessional conduct, in that Respondent violated statutes regulating controlled
5 substances and dangerous drugs, as follows:

6 a. **Health & Safety Code section 11350 and Code section 4060:** On or about
7 January 9, 2014, Respondent possessed heroin, a controlled substance.

8 b. **Health and Safety Code Section 11550:** On or about December 27, 2012, and
9 March 2, 2014, Respondent unlawfully self-administered methamphetamine, a controlled
10 substance.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Use of Controlled Substances in a Dangerous or Injurious Manner)

13 14. Respondent is subject to disciplinary action pursuant to Code section 4301(h), in that
14 on or about December 27, 2012, and March 2, 2014, Respondent used methamphetamine in a
15 manner dangerous or injurious to herself and others, as set forth in paragraphs 11 and 12, above.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 (Violation of the Pharmacy Law)

18 15. Respondent is subject to disciplinary action pursuant to Code section 4301(o), for
19 unprofessional conduct, in that Respondent violated laws governing pharmacy, as set forth in
20 paragraphs 10 through 14, above.

21 **PRAYER**

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

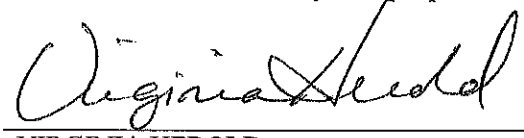
24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 74820,
25 issued to Mary Jo Cordill;

26 2. Ordering Mary Jo Cordill to pay the Board of Pharmacy the reasonable costs of the
27 investigation and enforcement of this case, pursuant to Business and Professions Code section
28 125.3; and,

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

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/15/16



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

SA2015105987
12072711.doc