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

10 In the Matter of the Accusation Against:

Case No. 5846

11 **HEATHER LYNN DIXON**
12 **278 E. Colorado Blvd., #1616**
13 **Pasadena, CA 91101**

ACCUSATION

14 **Intern Pharmacist Registration No. INT**
15 **29781**

16 Respondent.
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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about July 18, 2012, the Board of Pharmacy issued Intern Pharmacist
24 Registration Number INT 29781 to Heather Lynn Dixon (Respondent). The Intern Pharmacist
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 expired on June 30, 2016.

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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 **STATUTORY PROVISIONS**

6 4. Section 490 of the Code states:

7 "(a) In addition to any other action that a board is permitted to take against a licensee, a
8 board may suspend or revoke a license on the ground that the licensee has been convicted of a
9 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
10 or profession for which the license was issued.

11 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
12 discipline a licensee for conviction of a crime that is independent of the authority granted under
13 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
14 of the business or profession for which the licensee's license was issued.

15 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
16 conviction following a plea of nolo contendere. Any action that a board is permitted to take
17 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
18 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
19 made suspending the imposition of sentence, irrespective of a subsequent order under the
20 provisions of Section 1203.4 of the Penal Code."

21 5. Section 493 of the Code states:

22 "Notwithstanding any other provision of law, in a proceeding conducted by a board within
23 the department pursuant to law to deny an application for a license or to suspend or revoke a
24 license or otherwise take disciplinary action against a person who holds a license, upon the
25 ground that the applicant or the licensee has been convicted of a crime substantially related to the
26 qualifications, functions, and duties of the licensee in question, the record of conviction of the
27 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
28 and the board may inquire into the circumstances surrounding the commission of the crime in

1 order to fix the degree of discipline or to determine if the conviction is substantially related to the
2 qualifications, functions, and duties of the licensee in question. "As used in this section, 'license'
3 includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

4 6. Section 4300 of the Code provides in pertinent part that every license issued by the
5 Board is subject to discipline, including suspension or revocation.

6 7. Section 4300.1 states:

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

12 8. Section 4301 of the Code states in relevant part:

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

16 ***

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

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

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

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11 “(p) Actions or conduct that would have warranted denial of a license.”

12 REGULATORY PROVISION

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

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

20 COST RECOVERY

21 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
22 administrative law judge to direct a licensee found to have committed a violation or violations of
23 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
24 enforcement of the case.

25 FIRST CAUSE FOR DENIAL OF APPLICATION

26 (Conviction of a Substantially Related Crime)

27 11. Respondent is subject to discipline under Code sections 490, 493, 4301, subdivisions
28 (l) and (p) in conjunction with California Code of Regulations, title 16, section 1770, in that she

1 was convicted of a crime that is substantially related to the qualifications, duties, and functions of
2 an intern pharmacist. The circumstances are as follows:

3 a. On or about February 26, 2009 in a criminal proceeding entitled *The People of the*
4 *State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2009, No.
5 8PS68080), Respondent was convicted of one misdemeanor count of violating Vehicle Code
6 section 23103, subdivision (a) [reckless driving]. Respondent was ordered to serve one day in jail
7 and placed on 24 months summary probation, with terms and conditions. The case was dismissed
8 on or about April 22, 2011 pursuant to Penal Code section 1203.4.

9 b. On or about December 19, 2012 in a criminal proceeding entitled *The People of the*
10 *State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2012, No.
11 BA398297), Respondent was convicted of one misdemeanor count for violating Vehicle Code
12 section 14610.1, subdivision (a) [manufacture/sell ID similar to CDL]. Respondent was placed
13 on 24 months probation. Her case was dismissed on or about March 27, 2015 pursuant to Penal
14 Code section 1203.4. The circumstances underlying this conviction are that in 2008, Respondent
15 began working with a friend to manufacture and distribute counterfeit driver's licenses in
16 California and Texas. Respondent acted as the "middle-man" which involved contacting "clients"
17 who were often underage students wanting counterfeit driver's licenses and assisting them in
18 getting the counterfeit license.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Act Involving Dishonesty, Fraud, or Deceit)**

21 12. Respondent is subject to discipline under Code section 4301, subdivision (f) in
22 that she committed an act involving dishonesty, fraud, or deceit with the intent to substantially
23 benefit herself or another, or substantially injure another. Complainant realleges paragraph 11(b)
24 above.

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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 Intern Pharmacist Registration Number INT 29781, issued to Heather Lynn Dixon;
2. Ordering Heather Lynn Dixon 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: 12/5/16

Virginia Herold

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

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