

1 XAVIER BECERRA
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6181

13 **LISA JANICE TAYLOR**
5504 Dolfield Ave
Bakersfield, CA 93304

FIRST AMENDED ACCUSATION

14 Pharmacy Technician Registration
15 No. TCH 123701

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about June 19, 2012, the Board issued Pharmacy Technician Registration No.
24 TCH 123701 to Lisa Janice Taylor (Respondent). The Pharmacy Technician Registration was in
25 full force and effect at all times relevant to the charges brought herein and will expire on December
26 31, 2017, unless renewed.

27 ///

28 ///

JURISDICTION

1
2 3. This First Amended Accusation is brought before the Board under the authority of the
3 following laws. All section references are to the Business and Professions Code unless otherwise
4 indicated.

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

7 5. Section 4300.1 states:

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

STATUTORY PROVISIONS

13
14 6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license
15 on the ground that the licensee has been convicted of a crime substantially related to the
16 qualifications, functions, or duties of the business or profession for which the license was issued.

17 7. Section 4301 states, in pertinent part:

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

21

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

25

26 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3

4 “(k) The conviction of more than one misdemeanor or any felony involving the use,
5 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
6 combination of those substances.

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

23 **REGULATORY PROVISIONS**

24 8. California Code of Regulations, title 16, section 1770, states:

25 "For the purpose of denial, suspension, or revocation of a personal or facility license
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
27 crime or act shall be considered substantially related to the qualifications, functions or duties of a
28 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

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

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Conviction of Substantially Related Crimes)**

12 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
13 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,
14 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
15 of a pharmacy technician as follows:

16 a. On or about October 4, 2017, after pleading nolo contendere, Respondent was
17 convicted of one misdemeanor count of violating Penal Code section 647, subdivision (f)
18 [disorderly conduct/public intoxication] in the criminal proceeding entitled *The People of the State*
19 *of California v. Lisa Taylor* (Super. Ct. Kern County, 2017, No. BM909923A). The Court
20 ordered Respondent to pay a fine.

21 b. The circumstances surrounding the conviction are that on or about September 4, 2017,
22 Bakersfield police officers' responded to a trespassing call. When they arrived at the location,
23 Respondent was lying on the sidewalk, and showed objective signs of intoxication. In particular,
24 she was observed to have red watery eyes, thick slurred speech, and the smell of alcohol emitting
25 from her breath and person. Respondent was determined to be too intoxicated to care for the
26 safety of herself or others and was placed under arrest for public intoxication.

27 ///

1 c. On or about March 17, 2017, after pleading nolo contendere, Respondent was
2 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
3 [driving while having 0.08% or more, by weight, of alcohol in her blood] in the criminal
4 proceeding entitled *The People of the State of California v. Lisa Janice Taylor* (Super. Ct. Kern
5 County, 2017, No. BM899829A). The Court sentenced Respondent to serve 36 days in jail and
6 placed her on 3 years probation with terms and conditions.

7 d. The circumstances surrounding the conviction are that on or about February 2, 2017,
8 Bakersfield Police Department officers responded to a call of an injury collision at an apartment
9 complex. When they arrived at the location, they found the car that had been identified in the
10 report parked in front of the entrance gate to the apartments. Upon approach, they noticed the
11 engine was on, and that Respondent was passed out in the driver seat of the vehicle. Officers
12 assisted Respondent out of the vehicle and transported her to the hospital for a blood draw. After
13 the blood draw, Respondent became combative and refused to return to the patrol car. The blood
14 sample Respondent provided revealed a blood alcohol content level of 0.31%.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Alcohol)**

17 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that
18 on or about February 2, 2017, Respondent used alcohol to an extent or in a manner dangerous or
19 injurious to herself, another person, or the public when she operated a vehicle while having 0.31%
20 of alcohol in her blood. Complainant refers to, and by this reference incorporates, the
21 allegations set forth above in paragraph 10, subparagraph (d), as though set forth fully.

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Alcohol Related Convictions)**

24 12. Respondent is subject to disciplinary action under section 4301, subdivision (k), on the
25 grounds of unprofessional conduct, in that on or about October 4, 2017 and March 17, 2017,
26 Respondent sustained additional criminal convictions involving the consumption of alcohol.
27 Complainant refers to, and by this reference incorporates, the allegations set forth above in

28 ///

1 paragraph 10, subparagraphs (a) and (c), inclusive, as though fully set forth herein.

2 **DISCIPLINE CONSIDERATION**

3 13. In order to determine the degree of discipline, if any to be imposed on Respondent,
4 Complainant alleges, as follows:

5 a. On or about November 26, 2016, in a prior action, the Board issued Citation No. CI
6 2016 72161 to Respondent for violating section 4301, subdivisions (h) and (l), resulting in a
7 \$900.00 fine. Respondent has not complied with the Citation. The facts and circumstances
8 underlying the citation are that on or about October 18, 2016, Respondent was convicted of
9 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol], a
10 misdemeanor.

11 b. On or about October 18, 2016, after pleading nolo contendere, Respondent was
12 convicted of one misdemeanor count of violating Vehicle Code section 21352, subdivision (a)
13 [driving under the influence of alcohol] in the criminal proceeding entitled *The People of the State*
14 *of California v. Lisa Janice Taylor* (Super. Ct. Kern County, 2016, No. BM892994A). The
15 Court sentenced Respondent to serve 5 days in jail, participate in a 3-month DUI program, and
16 placed her on 3 years probation, with term and conditions. The circumstances surrounding the
17 conviction are that on or about September 1, 2016, a California Highway Patrol officer initiated a
18 traffic enforcement stop. Upon contact, the officer observed Respondent to have a disheveled
19 look, her hair was messy, and she had blood along the bridge of her nose consisting of a scratch
20 from a possible fight. The officer immediately smelled an odor of alcohol emitting from within the
21 vehicle, Respondent had red watery eyes and her speech was extremely slurred. Respondent
22 submitted to a series of field sobriety tests which she was unable to perform as indicated. During
23 the booking procedure, Respondent submitted a breath test that revealed an alcohol breath content
24 level of 0.19% on the first reading and 0.18% on the second.

25 ///

26 ///

27 ///

28 ///

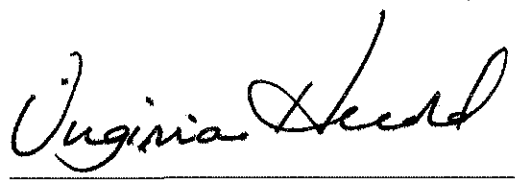
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 No. TCH 123701, issued to Lisa Janice Taylor;
2. Ordering Lisa Janice Taylor 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: 4/2/18



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

LA2017604632
52838004.doc

1 XAVIER BECERRA
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2541
6 Facsimile: (213) 897-2804

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:
12 **LISA JANICE TAYLOR**
5504 Dolfield Ave
13 Bakersfield, CA 93304
14 Pharmacy Technician Registration
No. TCH 123701
15
16 Respondent.

Case No. 6181
A C C U S A T I O N

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 (Board).
22 2. On or about June 19, 2012, the Board issued Pharmacy Technician Registration No.
23 TCH 123701 to Lisa Janice Taylor (Respondent). The Pharmacy Technician Registration was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 December 31, 2017, unless renewed.

26 **JURISDICTION**

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

1 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and
11 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,
12 Respondent was convicted of a crime substantially related to the qualifications, functions or
13 duties of a pharmacy technician as follows:

14 a. On or about March 17, 2017, after pleading nolo contendere, Respondent was
15 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
16 [driving while having 0.08% or more, by weight, of alcohol in her blood] in the criminal
17 proceeding entitled *The People of the State of California v. Lisa Janice Taylor* (Super. Ct. Kern
18 County, 2017, No. BM899829A). The Court sentenced Respondent to serve 36 days in jail and
19 placed her on 3 years probation with terms and conditions.

20 b. The circumstances surrounding the conviction are that on or about February 2, 2017,
21 Bakersfield Police Department officers responded to a call of an injury collision at an apartment
22 complex. When they arrived at the location they found the car that had been identified in the
23 report parked in front of the entrance gate to the apartments. Upon approach, they noticed the
24 engine was on, and that Respondent was passed out in the driver seat of the vehicle. Officers
25 assisted Respondent out of the vehicle and transported her to the hospital for a blood draw. After
26 the blood draw, Respondent became combative and refused to get in the patrol car. The blood
27 sample Respondent provided revealed a blood alcohol content level of 0.31%.

28 ///

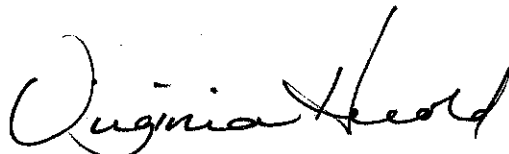
1 her on 3 years probation, with term and conditions. The circumstances surrounding the
2 conviction are that on or about September 1, 2016, a California Highway Patrol officer initiated a
3 traffic enforcement stop. Upon contact, the officer observed Respondent to have a disheveled
4 look, her hair was messy, and she had blood along the bridge of her nose consisting of a scratch
5 from a possible fight. The officer immediately smelled an odor of alcohol emitting from within
6 the vehicle, Respondent had red watery eyes and her speech was extremely slurred. Respondent
7 submitted to a series of field sobriety tests which she was unable to perform as indicated. During
8 the booking procedure, Respondent submitted a breath test that revealed an alcohol breath content
9 level of 0.19% on the first reading and 0.18% on the second.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration No. TCH 123701, issued
14 to Lisa Janice Taylor;
- 15 2. Ordering Lisa Janice Taylor to pay the Board of Pharmacy the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3; and,
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20
21 DATED: 8/29/17



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

22
23
24
25
26 LA2017604632
52581657.doc