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

10 In the Matter of the Statement of Issues  
11 Against:  
12 **DOVE MONIQUE CAWTHON**  
13 **14027 Fidler Ave**  
**Bellflower, CA 90706**  
14  
15 **Applicant for Pharmacy Technician License**  
16 Respondent.

Case No. 4286

**STATEMENT OF ISSUES**

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold ("Complainant") brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about February 15, 2011, the Board of Pharmacy, Department of Consumer  
22 Affairs received an application for a Pharmacy Technician License from Dove Monique Cawthon  
23 ("Respondent"). On or about December 17, 2010 Ms. Cawthon certified under penalty of perjury  
24 to the truthfulness of all statements, answers, and representations in the application. The Board  
25 denied the application on December 20, 2011.

26 ///  
27 ///  
28



1           5. Section 4300 subdivision (c) authorizes the Board to deny license applications or to  
2 grant probationary licenses to applicants who commit unprofessional conduct:

3           The board may refuse a license to any applicant guilty of unprofessional  
4 conduct. The board may, in its sole discretion, issue a probationary license to any  
5 applicant for a license who is guilty of unprofessional conduct and who has met all  
6 other requirements for licensure. The board may issue the license subject to any  
7 terms or conditions not contrary to public policy, including, but not limited to, the  
8 following:

- 9           (1) Medical or psychiatric evaluation.  
10           (2) Continuing medical or psychiatric treatment.  
11           (3) Restriction of type or circumstances of practice.  
12           (4) Continuing participation in a board-approved rehabilitation program.  
13           (5) Abstention from the use of alcohol or drugs.  
14           (6) Random fluid testing for alcohol or drugs.  
15           (7) Compliance with laws and regulations governing the practice of  
16 pharmacy.”

17           6. Section 4301 of the Code authorizes the Board to discipline licensees for  
18 unprofessional conduct and lists examples of unprofessional conduct:

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

23           ...

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

...  
...

(l) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
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  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of

1 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
2 dismissing the accusation, information, or indictment.”

3 7. Section 4313 of the Code provides guidance for considering an applicant’s  
4 rehabilitation:

5 “In determining whether to grant an application for licensure or whether  
6 to discipline or reinstate a license, the board shall give consideration to evidence of  
7 rehabilitation. However, public protection shall take priority over rehabilitation and,  
8 where evidence of rehabilitation and public protection are in conflict, public  
9 protection shall take precedence.”

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(Conviction of a Crime)**

12 9. Respondent's application is subject to denial under sections 480(a)(1), 4300(c) and  
13 4301(l) in that on or about March 12, 2009, in a criminal proceeding entitled *People v. Monique*  
14 *Cawthon* in Los Angeles Superior Court, Case Number 9BF0129202, Respondent was convicted  
15 by plea of nolo contendere of violating Penal Code Section 487(a), commission of grand theft, a  
16 misdemeanor. She was sentenced to 10 days in jail and ordered to pay \$100 in restitution. The  
17 circumstances are as follows:

18 a. On or about March 10, 2009, Los Angeles Police Department officers  
19 responded to a theft report made by Respondent’s mother. She alleged Respondent stole a laptop  
20 computer from her tenant. Upon arrival, police questioned Respondent who admitted to stealing  
21 the laptop with her boyfriend in order to sell it and obtain methamphetamine. Respondent also  
22 admitted to smoking methamphetamine on the previous day, March 9, 2009.

23 b. On or about March 12, 2009, Respondent was sentenced to ten days in Los  
24 Angeles County Jail, three years’ probation, and ordered to pay \$100 in restitution.

25 10. Respondent’s conviction for grand theft in March 2009 is “substantially related to the  
26 qualifications, functions, and duties of a licensee” because pharmacy technicians have access to  
27 valuable controlled substances, some of which can be diverted for personal use or sale.

28 **SECOND CAUSE FOR DENIAL OF APPLICATION**

**(Unprofessional Conduct)**

11. By committing the acts alleged in paragraph 9 above, which is realleged and  
incorporated into this cause for denial, Respondent's application is subject to denial under

1 sections 480(a)(3)(A), 4300(c), and 4301(h) because she admitted to self-administering  
2 methamphetamine, a Schedule II controlled substance under section 11055(d)(2) of the Health  
3 and Safety Code.

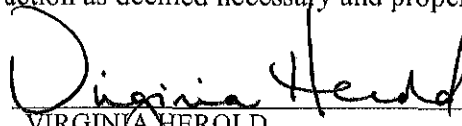
4 **PRAYER**

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

- 7 1. Denying the application of Dove Monique Cawthon for a Pharmacy Technician  
8 License;  
9 2. Taking such other and further action as deemed necessary and proper.

10 DATED: \_\_\_\_\_

8/29/12



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

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