

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

In the Matter of the Accusation Against:

SHEILA JUANITA THORNTON  
5032 Morgan Way  
Antioch, CA 94531

Pharmacy Technician License No. TCH 27034

Respondent.

Case No. 2993

OAH No.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on March 9, 2007.

It is so ORDERED February 7, 2007.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_

WILLIAM POWERS  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM, State Bar No. 214663  
Deputy Attorney General  
4 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
6 Facsimile: (415) 703-5480

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:

13 SHEILA JUANITA THORNTON  
5032 Morgan Way  
Antioch, CA 94531

14 Pharmacy Technician License No. TCH 27034

15 Respondent.

Case No. 2993

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

16  
17 In the interest of a prompt and speedy resolution of this matter, consistent with the  
18 public interest and responsibility of the Board of Pharmacy, Department of Consumer Affairs,  
19 the parties hereby agree to the following Stipulated Surrender of License and Order which will be  
20 submitted to the Board for its approval and adoption as the final disposition of the Accusation.

21  
22 PARTIES

23 1. Virginia Herold (Complainant) is the Interim Executive Officer of the  
24 Board of Pharmacy. She brought this action solely in her official capacity and is represented in  
25 this matter by Bill Lockyer, Attorney General of the State of California, by Joshua A. Room,  
26 Deputy Attorney General.

27 2. Sheila Juanita Thornton (Respondent) is representing herself in this  
28 proceeding and has chosen not to exercise her right to be represented by counsel.

1           3.       On or about September 4, 1998, the Board of Pharmacy issued Pharmacy  
2 Technician License No. TCH 27034 to Sheila Juanita Thornton (Respondent). The License was  
3 in full force and effect at all times relevant to the charges brought in Accusation No. 2993 and  
4 will expire on September 30, 2008, unless renewed.

5  
6                                   JURISDICTION

7           4.       Accusation No. 2993 was filed before the Board of Pharmacy (Board),  
8 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation  
9 and all other statutorily required documents were properly served on Respondent on October 30,  
10 2006. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of  
11 Accusation No. 2993 is attached as Exhibit A and incorporated herein by reference.

12  
13                                   ADVISEMENT AND WAIVERS

14           5.       Respondent has carefully read and understands the charges and allegations  
15 in Accusation No. 2993. Respondent also has carefully read and understands the effects of this  
16 Stipulated Surrender of License and Order.

17           6.       Respondent is fully aware of her legal rights in this matter, including the  
18 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
19 counsel, at her own expense; the right to confront and cross-examine the witnesses against her;  
20 the right to present evidence and to testify on her own behalf; the right to the issuance of  
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
22 reconsideration and court review of an adverse decision; and all other rights accorded by the  
23 California Administrative Procedure Act and other applicable laws.

24           7.       Respondent voluntarily, knowingly, and intelligently waives and gives up  
25 each and every right set forth above.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in  
3 Accusation No. 2993, agrees that cause exists for discipline, and hereby surrenders her Pharmacy  
4 Technician License No. TCH 27034 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the  
6 Board to issue an order accepting the surrender of her Pharmacy Technician License without  
7 further notice, process, or opportunity to be heard.

8  
9 RESERVATION

10 10. The admissions made by Respondent herein are only for the purposes of  
11 this proceeding, or any other proceedings in which the Board or other professional licensing  
12 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

13  
14 CONTINGENCY

15 11. This stipulation shall be subject to approval by the Board of Pharmacy.  
16 Respondent understands and agrees that counsel for Complainant and the staff of the Board may  
17 communicate directly with the Board regarding this stipulation and surrender, without notice to  
18 or participation by Respondent. By signing the stipulation, Respondent understands and agrees  
19 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the  
20 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
21 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for  
22 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board  
23 shall not be disqualified from further action by having considered this matter.

24 12. The parties understand and agree that facsimile copies of this Stipulated  
25 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
26 and effect as the originals.

27 13. In consideration of the foregoing stipulations, the parties agree the Board  
28 may, without further notice or formal proceeding, issue the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 27034, issued to Respondent Sheila Juanita Thornton, is surrendered and accepted by the Board.

14. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board both her wall License and pocket renewal certificate on or before the effective date of this Decision and Order.

17. Respondent may not apply or reapply for, or petition for reinstatement of, any license, permit, or registration from the Board for three (3) years from the effective date of this Decision and Order.

18. Respondent understands and agrees that if she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 2993 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

19. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 2993 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$5,100.00 prior to issuance of a new or reinstated license.

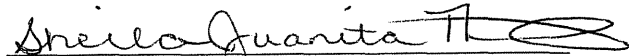
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12-30-06

  
SHEILA JUANITA THORNTON  
Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 1/4/07

BILL LOCKYER, Attorney General  
of the State of California

FRANK H. PACOE  
Supervising Deputy Attorney General

  
JOSHUA A. ROOM  
Deputy Attorney General  
Attorneys for Complainant

DOJ Matter ID: SF2006401395  
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**Exhibit A**  
**Accusation No. 2993**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOSHUA A. ROOM, State Bar No. 214663  
Deputy Attorney General  
3 California Department of Justice  
455 Golden Gate Avenue, Suite 11000  
4 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
5 Facsimile: (415) 703-5480  
6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2993

12 SHEILA JUANITA THORNTON  
aka SHEILA JUANITA ROSS  
13 aka SHEILA ROSS THORNTON  
5032 Morgan Way  
Antioch, CA 94531

OAH No.

**A C C U S A T I O N**

14 Pharmacy Technician License No. TCH 27034

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

21 2. On or about September 4, 1998, the Board of Pharmacy issued Pharmacy  
22 Technician License Number TCH 27034 to Sheila Juanita Thornton aka Sheila Juanita Ross aka  
23 Sheila Ross Thornton (Respondent). The License was in full force and effect at all times relevant  
24 to the charges brought herein and will expire on September 30, 2006, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board),  
27 Department of Consumer Affairs, under the authority of the following laws. All section  
28 references are to the Business and Professions Code unless otherwise indicated.





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“(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter: . . .

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

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

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

9. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a certified nurse-midwife, a nurse practitioner, or a physician assistant.

10. Section 4327 of the Code, in pertinent part, makes it unlawful, while on duty, to sell, dispense or compound any drug while under the influence of any dangerous drug.

11. Health and Safety Code section 11170 provides that no person shall prescribe, administer, or furnish a controlled substance for himself or herself.

12. Health and Safety Code section 11173, subdivision (a), provides that no person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

1 13. Health and Safety Code section 11350, in pertinent part, makes it unlawful  
2 to possess certain Schedule I-III controlled substances, or any controlled substance in Schedules  
3 III-V which is a narcotic drug, unless upon written prescription of an authorized prescriber.

4 14. Health and Safety Code section 11375, in pertinent part, makes it unlawful  
5 for any person to possess any form of **diazepam, lorazepam, temazepam, or phentermine.**

6 15. Health and Safety Code section 11377, in pertinent part, makes it unlawful  
7 to possess certain Schedule I-III controlled substances, or any controlled substance in Schedules  
8 III-V which is not a narcotic drug, unless upon written prescription of an authorized prescriber.

9 16. Section 125.3 of the Code provides, in pertinent part, that the Board may  
10 request the administrative law judge to direct a licentiate found to have committed a violation of  
11 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

12 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

13 17. Section 4021 of the Code states:

14 “‘Controlled substance’ means any substance listed in Chapter 2 (commencing  
15 with Section 11053) of Division 10 of the Health and Safety Code.”

16 18. Section 4022 of the Code states, in pertinent part:—

17 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for  
18 self-use, except veterinary drugs that are labeled as such, and includes the following:

19 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing  
20 without prescription,’ ‘Rx only,’ or words of similar import.

21 ...

22 “(c) Any other drug or device that by federal or state law can be lawfully  
23 dispensed only on prescription or furnished pursuant to Section 4006.”

24 19. **Norco, Lortab, Vicodin, and Lorcet** are brand names for compounds of  
25 varying dosages of acetaminophen (aka APAP) and **hydrocodone**, a Schedule III controlled  
26 substance as designated by Health and Safety Code section 11056(e)(4) and a dangerous drug as  
27 designated by Business and Professions Code section 4022. These varying compounds are also  
28 known as **Hydrocodone with APAP**. These are narcotic drugs intended for pain relief.

1                   20.     **Vicoprofen** is a brand name for a compound containing ibuprofen and  
2 **hydrocodone**, a Schedule III controlled substance as designated by Health and Safety Code  
3 section 11056(e)(4) and a dangerous drug as designated by Business and Professions Code  
4 section 4022. It is a narcotic drug intended for pain relief.

5                   21.     **Fiorinal** and **Fioricet** are among the brand names for drug compounds  
6 containing either aspirin or acetaminophen (APAP), caffeine, and **butalbital**, a Schedule III  
7 controlled substance as designated by Health and Safety Code section 11056(e)(3) and a  
8 dangerous drug as designated by Business and Professions Code section 4022. It is a non-  
9 narcotic analgesic drug often prescribed as a treatment for migraines or tension headaches.

10                  22.     **Fiorinal with Codeine** is a brand name for a compound of aspirin,  
11 caffeine, **butalbital**, a Schedule III controlled substance as designated by Health and Safety Code  
12 section 11056(e)(3) and a dangerous drug as designated by Business and Professions Code  
13 section 4022, and **codeine**, a Schedule III controlled substance as designated by Health and  
14 Safety Code section 11056(e)(2) and a dangerous drug as designated by Business and Professions  
15 Code section 4022. **Butalbital** is a non-narcotic analgesic drug often prescribed as a treatment  
16 for migraines or tension headaches. **Codeine** is a narcotic pain reliever and muscle relaxant.

17                  23.     **Lunesta** is a brand name for **eszopiclone**, or **(S)-zopiclone**, a Schedule IV  
18 controlled substance as designated by federal law, 21 C.F.R. § 1308.14(c), and a dangerous drug  
19 as designated by Business and Professions Code section 4022. It is a depressant drug.

20                  24.     **Valium** is a brand name for **diazepam**, a Schedule IV controlled  
21 substance as designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as  
22 designated by Business and Professions Code section 4022. It is a depressant drug.

23                  25.     **Ativan** is a brand name for **lorazepam**, a Schedule IV controlled  
24 substance as designated by Health and Safety Code section 11057(d)(16) and a dangerous drug as  
25 designated by Business and Professions Code section 4022. It is a depressant drug.

26                  26.     **Restoril** is a brand name for **temazepam**, a Schedule IV controlled  
27 substance as designated by Health and Safety Code section 11057(d)(29) and a dangerous drug as  
28 designated by Business and Professions Code section 4022. It is a depressant drug.

1           27.     **Adipex** and **Fastin** are brand names for **phentermine**, a Schedule IV  
2 controlled substance as designated by Health and Safety Code section 11057(f)(4) and dangerous  
3 drug as designated by Business and Professions Code section 4022. It is a stimulant drug.

4           28.     **Flexeril** is a brand name for **cyclobenzaprine**, a dangerous drug as  
5 designated by Business and Professions Code section 4022. It is a muscle relaxant drug.

6           29.     **Prozac** is a brand name for **fluoxetine hydrochloride**, a dangerous drug  
7 as designated by Business and Professions Code section 4022. It is an anti-depressant drug.

8           30.     **Celebrex** is a brand name for **celecoxib**, a dangerous drug as designated  
9 by Business and Professions Code section 4022. It is intended for pain relief.

10          31.     **Naprosyn** is a brand name for **naproxen**, a dangerous drug as designated  
11 by Business and Professions Code section 4022. It is intended for pain relief.

12          32.     **Atarax** and **Vistaril** are brand names for **hydroxyzine**, a dangerous drug  
13 as designated by Business and Professions Code section 4022. It is an antihistamine drug.

14          33.     **Midrin** is a brand name for a compound of acetaminophen (APAP),  
15 **isometheptene mucate**, and **dichloralphenazone**, dangerous drugs as designated by Business  
16 and Professions Code section 4022. It is intended for relief of tension or migraine headaches.

#### 17                                   FACTUAL BACKGROUND

18          34.     On or about September 29, 2005, while Respondent was employed as a  
19 pharmacy technician at a Raley's Drug Center (PHY 20489) in Pittsburg, California, ten tablets  
20 of generic **Norco** were discovered loose on a chair used by Respondent.

21          35.     On and between September 29, 2005 and October 12, 2005, Respondent's  
22 superior(s) at Raley's conducted daily counts of generic **Norco**, and discovered that on six of the  
23 nine days worked by Respondent, there were **Norco** shortages: 49 tablets on 9/29; 42 tablets on  
24 10/4, 56 tablets on 10/7, 22 tablets on 10/8; 22 tablets on 10/11, and 52 tablets on 10/12. There  
25 were no shortages on the three days during that span that Respondent did not work.

26          36.     On or about October 12, 2005, Respondent was observed by videocamera  
27 surveillance taking unknown/unspecified drugs from the Raley's stock and placing them in her  
28 pocket and/or purse. At the end of that day's shift, Respondent was detained by Raley's security.

1                   37.     On or about October 12, 2005, Respondent admitted to Raley's security to  
2 stealing controlled substances and/or dangerous drugs from Raley's, beginning with her thefts of  
3 **Vicodin** from in or about February 2005 forward. Respondent said she was taking several drugs,  
4 by the handful, on numerous occasions over time, but could not specify an exact amount of theft.

5                   38.     On or about October 12, 2005, Raley's security recovered numerous loose  
6 tablets from Respondent's purse or person, including: 51 generic **Norco**, 1 **Lunesta**, 5 **Flexeril**,  
7 5 **hydroxyzine** (generic **Atarax** or **Vistaril**), 1 **lorazepam** (generic **Ativan**), 9 generic **Fiorinal**,  
8 2 **Prozac**, 1 generic **Midrin**, 4 **diazepam** (generic **Valium**), 7 **temazepam** (generic **Restoril**), 2  
9 **Vicoprofen**, 10 generic **Lortab**, and 24 **phentermine** (generic **Adipex** or **Fastin**). Respondent  
10 admitted that these drugs had also been stolen from Raley's stock.

11                   39.     Respondent was immediately suspended from Raley's and subsequently  
12 turned over to Pittsburg Police. A search of her person conducted by Pittsburg Police discovered  
13 a further 37 tablets in her boots, including 8 **Valium**, 10 **Vicodin**, 4 ibuprofen, 5 **Celebrex**, 3  
14 **naproxen** (generic **Naprosyn**), 4 **phentermine** (generic **Adipex** or **Fastin**), and 3 **Ativan**.

15                   40.     During the course of the Board investigation, Respondent admitted to her  
16 theft between May and October 2005 of large quantities of several controlled substances and/or  
17 dangerous drugs, including but not necessarily limited to **Norco**, **Lunesta**, **temazepam** (generic  
18 **Restoril**), **Vicoprofen**, **Lortab**, **phentermine** (generic **Adipex** or **Fastin**), **Fastin**, and **Adipex**.  
19 Respondent admitted to stealing between 20 to 40 tablets just of **Norco** per week, along with an  
20 unknown/unspecified number of tablets/dosages of the other drugs stolen. Respondent admitted  
21 that the drugs had been stolen for her own use, and that she often took the drugs while at work.  
22 Respondent admitted to often being under the influence of controlled substances at work.

23                   41.     The total number of thefts by Respondent from Raley's is unknown, but is  
24 believed to be at least 2,340 tablets of various drugs and dosages.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime)

3 42. Respondent is subject to discipline under Code section 4301(1) of the Code  
4 as further specified by California Code of Regulations, title 16, section 1770, in that, on or about  
5 July 25, 2006, in a criminal case titled *People v. Sheila Ross Thornton*, Case No. 5060508-9 in  
6 Contra Costa County Superior Court, Respondent was convicted by no contest plea of: violating  
7 Health and Safety Code section 11350, subdivision (a) [Possession of controlled substance], a  
8 felony, for illegal possession of **hydrocodone, diazepam, and phentermine**; and violating Penal  
9 Code section 503 [Embezzlement], a misdemeanor, for thefts from Raley's committed between  
10 February 1, 2005 and October 12, 2005. The conviction was entered as follows:

11 a. On or about October 12, 2005, based on the facts described in Paragraphs  
12 34-38, above, Respondent was arrested by Pittsburg Police.

13 b. On or about April 20, 2006, in a criminal case titled *People v. Sheila Ross*  
14 *Thornton*, Case No. 5060508-9 in Contra Costa County Superior Court, Respondent was charged  
15 by criminal Information with two counts, one felony and one misdemeanor: (1) a violation of  
16 Health and Safety Code section 11350, subdivision (a) [Possession of controlled substance], a  
17 felony, for illegal possession of **hydrocodone, diazepam, and phentermine**; and (2) a violation  
18 of Penal Code section 503 [Embezzlement], a misdemeanor, for thefts from Raley's committed  
19 between February 1, 2005 and October 12, 2005.

20 c. On or about July 25, 2006, Respondent pleaded no contest to both counts.  
21 Imposition of sentence was suspended in favor of an order of court probation for two (2) years on  
22 terms and conditions including jail time of 30 days, with credit for 30 days already served, fines  
23 and fees, search conditions, and a prohibition on use/possession of drugs without prescription.

24 SECOND CAUSE FOR DISCIPLINE

25 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

26 43. Respondent is subject to discipline under section 4301(f) of the Code in  
27 that Respondent, as described in paragraphs 34-41 above, committed acts involving moral  
28 turpitude, dishonesty, fraud, deceit, or corruption.





1 SEVENTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

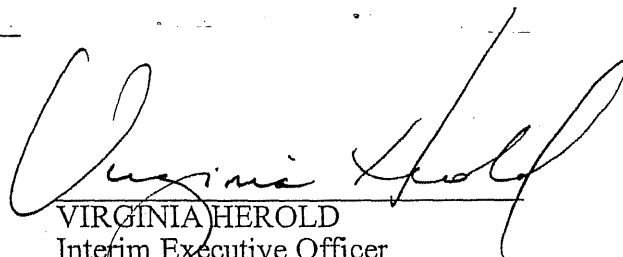
3 48. Respondent is subject to disciplinary action under section 4301 of the  
4 Code in that Respondent, by way of the conduct described in paragraphs 34-47 above, engaged in  
5 "unprofessional conduct" not becoming the profession of pharmacy.  
6

7 PRAAYER

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

- 10 A. Revoking or suspending Pharmacy Technician License No. TCH 27034,  
11 issued to Respondent Sheila Juanita Thornton aka Sheila Juanita Ross aka Sheila Ross Thornton;  
12 B. Ordering Respondent to pay the Board its reasonable costs of investigation  
13 and enforcement of this case, pursuant to Business and Professions Code section 125.3;  
14 C. Taking such other and further action as is deemed necessary and proper.  
15

16 DATED: 10/27/06

17 

18 VIRGINIA HEROLD  
19 Interim Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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