

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

In the Matter of the Accusation Against:

Case No. 3798

**MARCELLA DALE PARIC**  
1770 Frambuesa Drive  
San Luis Obispo, CA 93405

Original Pharmacist License No. RPH 60941

Respondent.

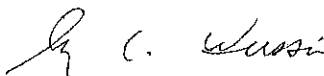
**DECISION AND ORDER**

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 October 4, 2013.

It is so ORDERED on September 4, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
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  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:	Case No. 3798	
11 <b>MARCELLA DALE PARIC</b>	OAH No. 2012080589	
12 <b>1770 Frambuesa Drive</b>	<b>STIPULATED SURRENDER OF</b>	
13 <b>San Luis Obispo, CA 93405</b>		<b>LICENSE AND ORDER</b>
14 <b>Original Pharmacist License No. RPH 60941</b>		
15 Respondent.		

16 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
17 proceeding that the following matters are true:

18 PARTIES

- 19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
20 She brought this action solely in her official capacity and is represented in this matter by Kamala  
21 D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney  
22 General.
- 23 2. Marcella Dale Paric (Respondent) is represented in this proceeding by attorney  
24 Nicole D. Hanley, whose address is 3835 North Freeway Blyd., Ste. 228, Sacramento, CA 92534.
- 25 3. On or about May 3, 2008, the Board of Pharmacy issued Original Pharmacist License  
26 No. RPH 60941 to Respondent. The Original Pharmacist License was in full force and effect at  
27 all times relevant to the charges brought in Accusation No. 3798 and will expire on November 30,  
28 2013, unless renewed.



1 Respondent hereby gives up her right to contest that cause for discipline exists based on those  
2 charges.

3 10. Respondent understands that by signing this stipulation she enables the Board to issue  
4 an order accepting the surrender of her Original Pharmacist License without further process.

5 CONTINGENCY

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

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

18 13. This Stipulated Surrender of License and Order is intended by the parties to be an  
19 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
20 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
21 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
22 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
23 executed by an authorized representative of each of the parties.

24 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
25 the Board may, without further notice or formal proceeding, issue and enter the following Order:

26 ORDER

27 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 60941, issued to  
28 Respondent Marcella Dale Paric, is surrendered and accepted by the Board of Pharmacy.

1           1.    The surrender of Respondent's Pharmacy License and the acceptance of the  
2 surrendered license by the board shall constitute the imposition of discipline against Respondent.  
3 This stipulation constitutes a record of discipline and shall become a part of respondent's license  
4 history with the Board of Pharmacy.

5           2.    Respondent shall lose all rights and privileges as a pharmacist in California as of the  
6 effective date of the Board's Decision and Order.

7           3.    Respondent shall cause to be delivered to the Board her pocket license and, if one was  
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9           4.    If Respondent ever files an application for licensure or a petition for reinstatement in  
10 the State of California, the Board shall treat it as a new application for licensure.

11          5.    Respondent may not apply for any license, permit, or registration from the board for  
12 three (3) years from the effective date of this decision. Respondent stipulates that should she  
13 apply for any license from the board on or after the effective date of this decision, all allegations  
14 set forth in Accusation, No. 3798 shall be deemed to be true, correct and admitted by Respondent  
15 when the Board determines whether to grant or deny the application. Respondent shall satisfy all  
16 requirements applicable to that license as of the date the application is submitted to the board,  
17 including, but not limited to certification by a nationally recognized body prior to the issuance of  
18 a new license. Respondent is required to report this surrender as disciplinary action.

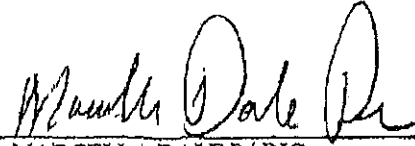
19          6.    Respondent shall pay the agency its costs of investigation and enforcement in the  
20 amount of \$4,400.00 prior to issuance of a new or reinstated license.

21           ///  
22           ///  
23           ///  
24           ///  
25           ///  
26           ///  
27           ///  
28           ///

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Nicole Hanley. I understand the stipulation and the effect it will have on my Original Pharmacist 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.

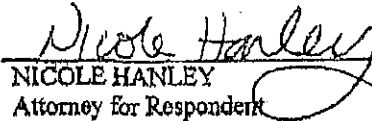
DATED: 5/1/13



MARCELLA DALE PARIC  
Respondent

I have read and fully discussed with Respondent Marcella Dale Paric the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 5-6-13

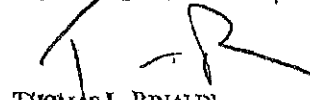
  
NICOLE HANLEY  
Attorney for Respondent

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: 5-8-2013

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

  
THOMAS L. RINALDI  
Deputy Attorney General  
Attorney for Complainant

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**Exhibit A**

**Accusation No. 3798**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2541  
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7 *Attorneys for Complainant*

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11 In the Matter of the Accusation Against:

Case No. 3798

12 **MARCELLA DALE PARIC**  
13 1770 Frambuesa Drive  
14 San Luis Obispo, CA 93405

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

15 Original Pharmacist License No. RPH 60941

16 Respondent.

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.

22 2. On or about May 3, 2008, the Board of Pharmacy (Board) issued Original Pharmacist  
23 License No. RPH 60941 to Marcella Dale Paric (Respondent). The Original Pharmacist License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 November 30, 2013, 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 subject to discipline, including suspension or revocation.

2 8. Section 4301 provides, in pertinent part:

3 "The board shall take action against any holder of a license who is guilty of unprofessional  
4 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

5 Unprofessional conduct shall include, but is not limited to, any of the following:

6 . . . .

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

10 . . . .

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

16 . . . .

17 "(j) The violation of any of the statutes of this state, or any other state, or of the United  
18 States regulating controlled substances and dangerous drugs.

19 . . . .

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

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
3 of this provision. The board may take action when the time for appeal has elapsed, or the  
4 judgment of 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 Section 1203.4 of  
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
8 indictment."

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

14 9. Health and Safety Code section 11550, subdivision (a) states; in pertinent part:  
15 "No person shall use, or be under the influence of any controlled substance which is (1)  
16 specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,  
17 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified  
18 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)  
19 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in  
20 Schedule III, IV, or V, except when administered by or under the direction of a person licensed  
21 by the state to dispense, prescribe, or administer controlled substances."

22 **REGULATORY PROVISIONS**

23 10. California Code of Regulations, title 16, section 1770, provides, in pertinent part:  
24 "For the purpose of denial, suspension, or revocation of a personal or facility license  
25 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
26 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
27 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
28 licensee or registrant to perform the functions authorized by his license or registration in a manner

1 consistent with the public health, safety, or welfare."

2 **COST RECOVERY**

3 11. Section 125.3 provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licentiate found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case.

7 **DANGEROUS DRUG/CONTROLLED SUBSTANCES**

8 12. "Hydromet," is a Schedule III controlled substance pursuant to Health and Safety  
9 Code section 11056(e), and is a dangerous drug within the meaning of Business and Professions  
10 Code section 4022.

11 13. "Tussionex," a brand name for hydrocodone polistirex 10mg./5ml., is a Schedule III  
12 controlled substance as designated by Health and Safety Code section 11056(e)4 and is  
13 categorized as a dangerous drug pursuant to section 4022 of the Code.

14 14. "Phentermine," (brand name Adipex-P) is a Scheduled IV controlled substance as  
15 designated by Health and Safety Code section 11057(d) and is categorized as a dangerous drug  
16 pursuant to section 4022 of the Code.

17 15. "Soma," a brand name for carisoprodol, is a dangerous drug according to Business  
18 and Professions Code section 4022.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Substantially-Related Crime)**

21 16. Respondent is subject to disciplinary action under sections 490, and 4301, subdivision  
22 (1), in conjunction with California Code of Regulations, title 16, section 1770, in that on or around  
23 September 15, 2010, Respondent pled *nolo contendere* to one misdemeanor count of violating  
24 Penal Code section 484, subdivision (a) (Petty Theft) in a criminal proceeding entitled *The People*  
25 *of the State of California v. Marcella Dale Paric aka Marcella Dale Von Gortler aka Marcella*  
26 *Dale Vongortler aka Marcella Daric aka Marcella Dale Vangortler* (Super. Ct. Santa Barbara  
27 County, 2009, No. 1348306). The circumstances surrounding the conviction are that on or  
28 around April 22, 2010, Respondent was observed via recorded video footage consuming

1 Hydromet Syrup while working as a pharmacist at Von's Store Pharmacy. During the course of a  
2 subsequent interview by loss prevention personnel, Respondent admitted that she had taken and  
3 consumed medications from various Von's Store pharmacies on several other occasions as well,  
4 including Tussionex, Phentermine, and Soma.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Unlawful Self-Administration of Controlled Substances)**

7 17. Respondent is subject to disciplinary action under section 4301, subdivision (h) and  
8 Health and Safety Code section 11170 in that she furnished and administered controlled  
9 substances to herself while working as pharmacist at Von's Store Pharmacy. Complainant refers  
10 to, and by this reference incorporates, the allegations set forth above in paragraph 16, as though  
11 set forth fully.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Unlawful Possession of Controlled Substances)**

14 18. Respondent is subject to disciplinary action under sections 4300, and 4301,  
15 subdivisions (j) and (o) in conjunction with section 4060, in that Respondent unlawfully  
16 possessed controlled substances while working as a pharmacist at Von's Store Pharmacy.  
17 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
18 paragraph 16, as though set forth fully.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Theft of Controlled Substances)**

21 19. Respondent is subject to disciplinary action under sections 4300 and 4301,  
22 subdivision (f), in that Respondent committed acts of moral turpitude and/or dishonest when she  
23 stole narcotic substances from her employer, Von's Store Pharmacy. Complainant refers to, and  
24 by this reference incorporates, the allegations set forth above in paragraph 16 as though set forth  
25 fully.

26 ///

27 ///

28 ///

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Furnishing Dangerous Drugs Without a Prescription)**

3 20. Respondent is subject to disciplinary action under sections 4300, and 4301,  
4 subdivision (j), in conjunction with section 4059, subdivision (a) in that Respondent furnished  
5 drugs to herself without a prescription while employed as a pharmacist at Von's Store Pharmacy.  
6 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
7 paragraph 16 as though set forth fully.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 **(Practicing Pharmacy While Impaired)**

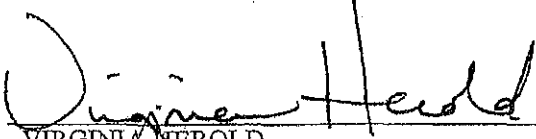
10 21. Respondent is subject to disciplinary action under sections 4300 and 4301,  
11 subdivision (o), in conjunction with section 4327 in that Respondent practiced pharmacy after  
12 consuming a controlled substance. Complainant refers to, and by this reference incorporates, the  
13 allegations set forth above in paragraph 16 as though set forth fully.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
16 and that following the hearing, the Board issue a decision:

- 17 1. Revoking or suspending Original Pharmacist License Number RPH 60941, issued to  
18 Marcella Dale Paric;
- 19 2. Ordering Marcella Dale Paric to pay the Board of Pharmacy the reasonable costs of  
20 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
21 125.3; and
- 22 3. Taking such other and further action as deemed necessary and proper.

23  
24 DATED: 5/25/12

  
25 VIRGINIA HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant

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