



**California State Board of Pharmacy**  
1625 N. Market Blvd., N219, Sacramento, CA 95834  
Phone (916) 574-7900  
Fax (916) 574-8618  
www.pharmacy.ca.gov

STATE AND CONSUMER SERVICES AGENCY  
DEPARTMENT OF CONSUMER AFFAIRS  
GOVERNOR EDMUND G. BROWN JR.

May 29, 2012

LETTER OF PUBLIC REPROVAL

**CERTIFIED MAIL**

Robert Louis Lindsay  
413 Ford Road, #C  
Costa Mesa, CA 92627

Re: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against: ROBERT LOUIS LINSDAY  
Pharmacy Technician Registration No. TCH 85304

Dear Mr. Lindsay:

On November 29, 2010, the Board of Pharmacy, Department of Consumer Affairs, State of California, filed an Accusation against your Pharmacy Technician Registration. The Accusation alleges that you engaged in unprofessional conduct under the Business and Professions Code section 4301, subdivision (h), for using a controlled substance, cocaine, and alcohol in a manner dangerous to yourself and others. On February 20, 2012, you admitted to a police officer that you snorted half a gram of cocaine the previous night, and consumed alcohol that day.

Taking into consideration that your blood tested negative for cocaine, that you have no prior history of discipline with the Board, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a Pharmacy Technician, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs, issues this letter of public reproof.

Sincerely,

A handwritten signature in cursive script that reads "Virginia Herold".

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs

cc: Antoinette B. Cincotta, DAG

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

In the Matter of the Accusation Against:

Case No. 3847

**ROBERT LOUIS LINSDAY**  
413 Ford Road, #C  
Costa Mesa, CA 92627

**Pharmacy Technician Registration No.**  
**TCH 85304**

Respondent.

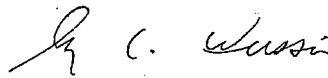
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Repeval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 28, 2012.

It is so ORDERED on May 29, 2012.

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 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA  
Deputy Attorney General  
4 State Bar No. 120482  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2095  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3847

12 **ROBERT LOUIS LINSDAY**  
13 **413 Ford Road, #C**  
14 **Costa Mesa, CA 92627**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER FOR PUBLIC**  
**REPROVAL**

15 **Pharmacy Technician Registration No. TCH**  
**85304**

**[Bus. & Prof. Code § 495]**

16 Respondent.

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. VIRGINIA HEROLD (Complainant) is the Executive Officer of the Board of  
22 Pharmacy (Board). She brought this action solely in her official capacity and is represented in  
23 this matter by Kamala D. Harris, Attorney General of the State of California, by Antoinette B.  
24 Cincotta, Deputy Attorney General.

25 2. Respondent Robert Louis Lindsay (Respondent) is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.

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DISCIPLINARY ORDER

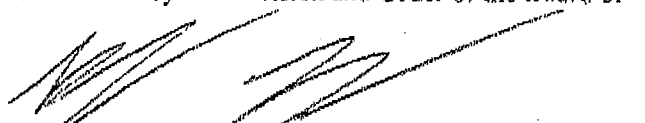
IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TC11 85304 issued to Respondent Robert Louis Lindsay shall be publicly reprovod by way of letter from the Board's Executive Officer. The letter shall be in substantially the same form as the letter attached as Exhibit B to this stipulation.

ACCEPTANCE

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

DATED:

3/29/11



ROBERT LOUIS LINSDAY  
*Respondent*

ENDORSEMENT

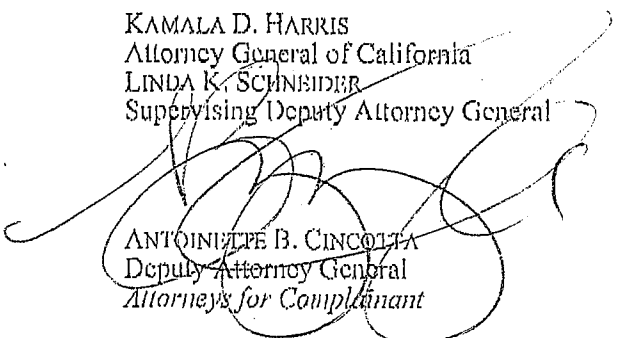
The foregoing Stipulated Settlement and Disciplinary Order for Public Repraval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated:

4/28/2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General



ANTONETTE B. CINCOLTA  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 3847**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 ANTOINETTE B. CINCOTTA  
Deputy Attorney General  
4 State Bar No. 120482  
110 West "A" Street, Suite 1100  
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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3847

12 **ROBERT LOUIS LINSDAY**  
13 **413 Ford Road, #C**  
14 **Costa Mesa, CA 92627**

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

15 **Pharmacy Technician Registration No. TCH 85304**

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about June 1, 2009, the Board issued Pharmacy Technician Registration  
22 Number TCH 85304 to Robert Louis Lindsay (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on December 31, 2010, unless renewed.

25 **JURISDICTION**

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



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4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked. . . ."

5. Section 118 of the Code states:

"(a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

"(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

"(c) As used in this section, 'board' includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and 'license' includes 'certificate,' 'registration,' and 'permit.'"

**STATUTORY AUTHORITIES**

6. Section 4059 of the Code states in relevant part:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

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7. Section 4301 of the Code states:

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

“ . . . .

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

“ . . . .

“(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 or by any other state or federal regulatory agency.

“ . . . .”

**COST RECOVERY**

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

**DRUG**

9. Cocaine is a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(6), and is a dangerous drug pursuant to Business & Professions Code section 4022.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Dangerous Use of Drugs and Alcohol)**

3 10. Respondent is subject to disciplinary action for unprofessional conduct under section  
4 Code section 4301, subdivision (h), in that Respondent used a controlled substance, cocaine, and  
5 alcohol in a manner dangerous to himself and others. The circumstances are as follows:

6 11. On or about February 20, 2010, an officer of the Costa Mesa Police Department was  
7 on routine patrol when he observed two male subjects walking down the street at about 9:06 p.m.  
8 The officer asked the subjects if either was on probation or parole. When one of the male  
9 subjects responded that he was on probation, the officer told that subject to go into the parking lot  
10 so he could talk to him. The officer then drove his police vehicle into the parking lot, got out of  
11 his police vehicle to speak with the subject. The other male subject, later identified as  
12 Respondent, followed his friend into the parking lot. As he spoke to the two men, the officer  
13 observed Respondent repeatedly tapping his right foot on the ground. Respondent also repeatedly  
14 crossed, and then uncrossed his arms in front of his chest. Respondent appeared to the officer to  
15 be very agitated and nervous. The officer measured Respondent's pulse at 134 beats per minute.  
16 During internal clock and balance testing, Respondent's eyelids were rapidly fluttering and the  
17 officer could see his jaw muscles clenching together as if he were grinding his teeth. The officer  
18 observed a heavy white coating on top of Respondent's tongue. At about 9:15 p.m. Respondent's  
19 pulse measured 144 beats per minute. Respondent told the officer that he had snorted half a gram  
20 of cocaine the prior night, and had consumed alcohol that day.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Unlawful Self-Furnishing of Dangerous Drugs)**

23 12. Respondent is subject to disciplinary action for unprofessional conduct under section  
24 Code section 4301, subdivision (o), in that Respondent furnished a dangerous drug, cocaine, to  
25 himself without a prescription in violation of Code section 4059 as set forth in paragraph 11,  
26 which is incorporated here by this reference.

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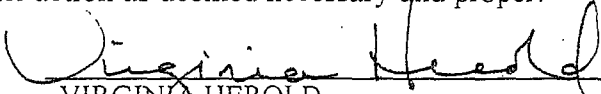
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1 **PRAYER**

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

- 4 1. Revoking or suspending Pharmacy Technician Registration Number TCH 85304,  
5 issued to Robert Louis Lindsay
- 6 2. Ordering Robert Louis Lindsay to pay the Board of Pharmacy the reasonable costs of  
7 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
8 125.3;
- 9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: 11/29/10

  
11 VIRGINIA HEROLD  
12 Executive Officer  
13 Board of Pharmacy  
14 Department of Consumer Affairs  
15 State of California  
16 *Complainant*

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**Exhibit B**

**Letter of Public Repeval in Case No. 3847**

Date: \_\_\_\_\_

Robert Louis Lindsay  
413 Ford Road, #C  
Costa Mesa, CA 92627

Re: LETTER OF PUBLIC REPROVAL  
In the Matter of the Accusation Against: ROBERT LOUIS LINSDAY  
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Taking into consideration that your blood tested negative for cocaine, that you have no prior history of discipline with the Board, and that there are other mitigating circumstances in this case that support the determination that you are safe to practice as a Pharmacy Technician, the Board has decided that the charges warrant a public reproof.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy, Department of Consumer Affairs, issues this letter of public reproof.

Sincerely,

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs