

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

In the Matter of the Accusation Against:

**LILLIAN M. TOWLE
5941 Oak Avenue
Carmichael, CA 95608**

Pharmacy Technician License No. TCH 43117

Respondent.

Case No. 3962

OAH Case No. 2011050752

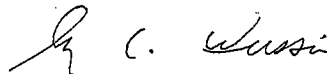
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 16, 2012.

It is so ORDERED on February 15, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

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

10
11 In the Matter of the Accusation Against:

Case No. 3962

12 **LILLIAN M. TOWLE**
5941 Oak Avenue
13 Carmichael, California 95608
Pharmacy Technician License No. TCH
14 43117

OAH No. 2011050752

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Sterling A. Smith, Deputy Attorney
23 General.

24 2. Respondent Lillian M. Towle (Respondent) is represented in this proceeding by
25 attorney Philip D. McCarthy, whose address is: Philip D. McCarthy, Attorney at Law
26 901 H Street, Suite 301, Sacramento, California 95814
27
28

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 43117 issued to
3 Respondent Lillian M. Towle (Respondent) is revoked. However, the revocation is stayed and
4 Respondent is placed on probation for four (4) years on the following terms and conditions.

5 1. **Certification Prior to Returning to Work.** Respondent shall be automatically
6 suspended from working as a pharmacy technician until she is certified as defined by Business
7 and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the
8 Board. Respondent shall not resume working as a pharmacy technician until notified by the
9 Board. Failure to achieve certification within one (1) year shall be considered a violation of
10 probation. Respondent shall not resume working as a pharmacy technician until notified by the
11 Board.

12 During suspension, Respondent shall not enter any pharmacy area or any portion of any
13 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
14 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
15 devices or controlled substances are maintained. Respondent shall not do any act involving drug
16 selection, selection of stock, manufacturing, compounding or dispensing; nor shall Respondent
17 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or
18 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
19 substances. Respondent shall not resume work until notified by the Board.

20 Subject to the above restrictions, Respondent may continue to own or hold an interest in
21 any licensed premises by the Board in which she holds an interest at the time this decision
22 becomes effective unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 2. **Obey All Laws**

25 Respondent shall obey all state and federal laws and regulations.

26 Respondent shall report any of the following occurrences to the Board, in writing, within
27 seventy-two (72) hours of such occurrence:

28 an arrest or issuance of a criminal complaint for violation of any provision of the

1 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
2 substances laws

- 3 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
4 criminal complaint, information or indictment
- 5 a conviction of any crime
- 6 discipline, citation, or other administrative action filed by any state or federal agency
7 which involves Respondent's pharmacy technician license or which is related to the
8 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
9 or charging for any drug, device or controlled substance.

10 Failure to timely report any such occurrence shall be considered a violation of probation.

11 **3. Report to the Board**

12 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
13 designee. The report shall be made either in person or in writing, as directed. Among other
14 requirements, Respondent shall state in each report under penalty of perjury whether there has
15 been compliance with all the terms and conditions of probation. Failure to submit timely reports
16 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
17 in submission of reports as directed may be added to the total period of probation. Moreover, if
18 the final probation report is not made as directed, probation shall be automatically extended until
19 such time as the final report is made and accepted by the Board.

20 **4. Interview with the Board**

21 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
22 with the Board or its designee, at such intervals and locations as are determined by the Board or
23 its designee. Failure to appear for any scheduled interview without prior notification to Board
24 staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee
25 during the period of probation, shall be considered a violation of probation.

26 **5. Cooperate with Board Staff**

27 Respondent shall cooperate with the Board's inspection program and with the Board's
28 monitoring and investigation of Respondent's compliance with the terms and conditions of her

1 probation. Failure to cooperate shall be considered a violation of probation.

2 **6. Notice to Employers**

3 During the period of probation, Respondent shall notify all present and prospective
4 employers of the decision in Case No. 3962 and the terms, conditions and restrictions imposed on
5 respondent by the decision, as follows:

6 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
7 respondent undertaking any new employment, Respondent shall cause her direct supervisor,
8 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
9 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
10 individual(s) has/have read the decision in Case No. 3962 and the terms and conditions imposed
11 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
12 supervisor(s) submit timely acknowledgement(s) to the board.

13 If Respondent works for or is employed by or through a pharmacy employment service,
14 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
15 of the terms and conditions of the decision in case number 3962 in advance of the Respondent
16 commencing work at each pharmacy. A record of this notification must be provided to the Board
17 upon request.

18 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
19 (15) days of Respondent undertaking any new employment by or through a pharmacy
20 employment service, Respondent shall cause her direct supervisor with the pharmacy
21 employment service to report to the Board in writing acknowledging that she has read the
22 decision in case number 3962 and the terms and conditions imposed thereby. It shall be
23 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
24 acknowledgment(s) to the Board.

25 Failure to timely notify present or prospective employer(s) or to cause that/those
26 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
27 probation.

28 ///

1 “Employment” within the meaning of this provision shall include any full-time,
2 part-time, temporary or relief service or pharmacy management service as a pharmacy
3 technician or in any position for which a pharmacy technician license is a requirement
4 or criterion for employment, whether Respondent is considered an employee,
5 independent contractor or volunteer.

6 **7. Reimbursement of Board Costs**

7 As a condition precedent to successful completion of probation, Respondent reimburse the
8 Board for its costs of investigation and prosecution in the reduced amount of \$1,500.00.
9 Respondent shall fully pay said amount to the Board with sixty (60) days of the effective date of
10 the decision. There shall be no deviation from this schedule absent prior written approval by the
11 Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a
12 violation of probation.

13 The filing of bankruptcy by Respondent shall not relieve respondent of her responsibility to
14 reimburse the Board its costs of investigation and prosecution.

15 **8. Probation Monitoring Costs**

16 Respondent shall pay any costs associated with probation monitoring as determined by the
17 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
18 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
19 shall be considered a violation of probation.

20 **9. Status of License**

21 Respondent shall, at all times while on probation, maintain an active, current pharmacy
22 technician license with the board, including any period during which suspension or probation is
23 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

24 If respondent's pharmacy technician license expires or is cancelled by operation of law or
25 otherwise at any time during the period of probation, including any extensions thereof due to
26 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all
27 terms and conditions of this probation not previously satisfied.

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10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender her pharmacy technician license to the Board for surrender. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish her pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

11. Notification of a Change in Name, Residence Address, Mailing Address or Employment

Respondent shall notify the Board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known. Respondent shall further notify the Board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the Board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

12. Tolling of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of twenty (20) hours per

1 calendar month. Any month during which this minimum is not met shall toll the period of
2 probation, i.e., the period of probation shall be extended by one month for each month during
3 which this minimum is not met. During any such period of tolling of probation, Respondent must
4 nonetheless comply with all terms and conditions of probation.

5 Should Respondent, regardless of residency, for any reason (including vacation) cease
6 working as a pharmacy technician for a minimum of twenty (20) hours per calendar month in
7 California, Respondent must notify the Board in writing within ten (10) days of cessation of work
8 and must further notify the Board in writing within ten (10) days of the resumption of the work.
9 Any failure to provide such notification(s) shall be considered a violation of probation.

10 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
11 provisions of this condition for a total period, counting consecutive and non-consecutive months,
12 exceeding thirty-six (36) months.

13 "Cessation of work" means calendar month during which Respondent is not
14 working for at least twenty (20) hours as a pharmacy technician, as defined in
15 Business and Professions Code section 4115. "Resumption of work" means any
16 calendar month during which Respondent is working as a pharmacy technician for at
17 least twenty (20) hours as a pharmacy technician as defined by Business and
18 Professions Code section 4115.

19 13. **Violation of Probation**

20 If Respondent has not complied with any term or condition of probation, the Board shall
21 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
22 until all terms and conditions have been satisfied or the Board has taken other action as deemed
23 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
24 to impose the penalty that was stayed.

25 If Respondent violates probation in any respect, the Board, after giving Respondent notice
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
27 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
28 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

1 a petition to revoke probation or an accusation is filed against Respondent during probation, the
2 Board shall have continuing jurisdiction, and the period of probation shall be automatically
3 extended until the petition to revoke probation or accusation is heard and decided.

4 **14. Completion of Probation**

5 Upon written notice by the Board indicating successful completion of probation,
6 Respondent's pharmacy technician license will be fully restored.

7 **15. No Ownership of Licensed Premises**

8 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
9 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
10 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
11 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
12 days following the effective date of this decision and shall immediately thereafter provide written
13 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
14 documentation thereof shall be considered a violation of probation.

15 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

16 Within thirty (30) days of the effective date of this decision, Respondent shall begin regular
17 attendance at a recognized and established substance abuse recovery support group in California,
18 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board
19 or its designee. Respondent must attend at least one group meeting per week unless otherwise
20 directed by the Board or its designee. Respondent shall continue regular attendance and submit
21 signed and dated documentation confirming attendance with each quarterly report for the duration
22 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
23 probation.

24 **17. Random Drug Screening**

25 Respondent, at her own expense, shall participate in random testing, including but not
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
27 screening program as directed by the Board or its designee. Respondent may be required to
28 participate in testing for the entire probation period and the frequency of testing will be

1 determined by the Board or its designee. At all times Respondent shall fully cooperate with the
2 board or its designee, and shall, when directed, submit to such tests and samples for the detection
3 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
4 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
5 of probation. Upon request of the Board or its designee, Respondent shall provide documentation
6 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
7 a necessary part of the treatment of the Respondent. Failure to timely provide such
8 documentation shall be considered a violation of probation. Any confirmed positive test for
9 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented
10 medical treatment shall be considered a violation of probation and shall result in the automatic
11 suspension of work by respondent. Respondent may not resume work as a pharmacy technician
12 until notified by the Board in writing.

13 During suspension, Respondent shall not enter any pharmacy area or any portion of or any
14 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
15 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
16 devices or controlled substances are maintained. Respondent shall not do any act involving drug
17 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
18 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or
19 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
20 substances. Respondent shall not resume work until notified by the Board.

21 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
22 Subject to the above restrictions, Respondent may continue to own or hold an interest in any
23 licensed premises in which she holds an interest at the time this decision becomes effective unless
24 otherwise specified in this order.

25 Failure to comply with this suspension shall be considered a violation of probation.

26 **18. Work Site Monitor**

27 Within ten (10) days of the effective date of this decision, Respondent shall identify a work
28 site monitor, for prior approval by the Board, who shall be responsible for supervising

1 Respondent during working hours. Respondent shall be responsible for ensuring that the work
2 site monitor reports in writing to the Board quarterly. Should the designated work site monitor
3 determine at any time during the probationary period that Respondent has not maintained
4 sobriety, she shall notify the Board immediately, either orally or in writing as directed. Should
5 Respondent change employment, a new work site monitor must be designated, for prior approval
6 by the Board, within ten (10) days of commencing new employment. Failure to identify an
7 acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to
8 the Board, shall be considered a violation of probation.

9 **19. Notification of Departure**

10 Prior to leaving the probationary geographic area designated by the Board or its designee
11 for a period greater than twenty-four (24) hours, Respondent shall notify the board verbally and in
12 writing of the dates of departure and return. Failure to comply with this provision shall be
13 considered a violation of probation.

14 **20. Abstain from Drugs and Alcohol Use**

15 Respondent shall completely abstain from the possession or use of alcohol, controlled
16 substances, dangerous drugs and their associated paraphernalia except when the drugs are
17 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
18 request of the Board or its designee, Respondent shall provide documentation from the licensed
19 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
20 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
21 violation of probation. Respondent shall ensure that she is not in the same physical location as
22 individuals who are using illicit substances even if Respondent is not personally ingesting the
23 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
24 not supported by the documentation timely provided, and/or any physical proximity to persons
25 using illicit substances, shall be considered a violation of probation.

26 **21. Community Services Program.** Within 60 days of the effective date of this
27 decision, Respondent shall submit to the Board, for its prior approval, a community service
28 program in which Respondent shall provide free health-care related services on a regular basis to

1 a community or charitable facility or agency for at least twenty-five (25) hours, to be completed
2 within the first year of probation.

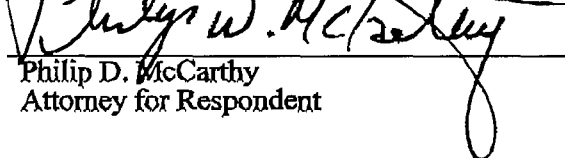
3 Within thirty (30) days of board approval thereof, Respondent shall submit
4 documentation to the Board demonstrating commencement of the community service program.
5 Respondent shall report on progress with the community service program in the quarterly
6 reports.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
9 discussed it with my attorney, Philip D. McCarthy. I understand the stipulation and the effect it
10 will have on my Pharmacy Technician License. I enter into this Stipulated Settlement and
11 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
12 Decision and Order of the Board of Pharmacy.

13
14 DATED: 11/18/11 
15 LILLIAN M. TOWLE
16 Respondent

17 I have read and fully discussed with Respondent Lillian M. Towle the terms and conditions
18 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
19 its form and content.

20 DATED: 11-18-11 
21 Philip D. McCarthy
22 Attorney for Respondent
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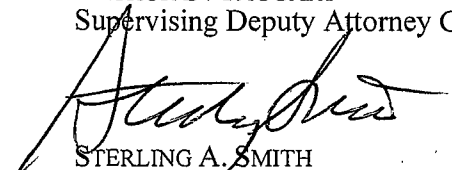
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ENDORSEMENT

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

Dated: 11/18/2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General


STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

SA2011100159
Stipulation.rtf

Exhibit A

Accusation No. 3962

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
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5 P.O. Box 944255
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6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3962

12 **LILLIAN M. TOWLE a.k.a.**
13 **LILLIAN MARIE TOWLE**
5941 Oak Avenue
14 Carmichael, California 95608

A C C U S A T I O N

15 Pharmacy Technician License TCH 43117

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.

21 2. On or about July 26, 2002, the Board of Pharmacy issued Pharmacy Technician
22 License No. TCH 43117 to Lillian M. Towle (Respondent). The Pharmacy Technician License
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 July 31, 2011, unless renewed.

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JURISDICTION

1
2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states, in pertinent part:

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

7 (b) The board shall discipline the holder of any license issued by the
8 board, whose default has been entered or whose case has been heard by the board and
found guilty, by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

11 (3) Suspending his or her right to practice for a period not exceeding one
12 year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the
board in its discretion may deem proper.

15 5. Section 4301 of the Code states, in pertinent part:

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

19 ...
20 (h) The administering to oneself, of any controlled substance, or the use
21 of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
22 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.

23 ...
24 (k) The conviction of more than one misdemeanor or any felony
25 involving the use, consumption, or self-administration of any dangerous drug or
alcoholic beverage, or any combination of those substances.

26 (l) The conviction of a crime substantially related to the qualifications,
27 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
28 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

1 be conclusive evidence only of the fact that the conviction occurred. The board may
2 inquire into the circumstances surrounding the commission of the crime, in order to
3 fix the degree of discipline or, in the case of a conviction not involving controlled
4 substances or dangerous drugs, to determine if the conviction is of an offense
5 substantially related to the qualifications, functions, and duties of a licensee under this
6 chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere
7 is deemed to be a conviction within the meaning of this provision. The board may
8 take action when the time for appeal has elapsed, or the judgment of conviction has
9 been affirmed on appeal or when an order granting probation is made suspending the
10 imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the
11 Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
12 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
13 information, or indictment.

14 ...
15 6. Section 125.3 of the Code states, in pertinent part, that the Board may request the
16 administrative law judge to direct a licentiate found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case.

19 FIRST CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct: Criminal Convictions)

21 7. Respondent is subject to disciplinary action under sections 4301, subdivision (k) and
22 4301, subdivision (l), for unprofessional conduct in that Respondent suffered the criminal
23 convictions substantially related to the qualifications, functions, or duties of a pharmacy
24 technician. Respondent's criminal convictions and their circumstances described below.

25 (a) On or about March 26, 2010, Respondent was convicted by her plea of no contest to
26 violation of Vehicle Code section 23152(a) (driving under the influence of alcohol or drugs), a
27 misdemeanor, in *People v. Lillian Marie Towle*, Sacramento County Superior Court Case
28 No. 10T00613.

The circumstances were that on or about January 4, 2010, California Highway Patrol
officers performed a traffic stop on a vehicle being operated by Respondent that was observed
speeding and straddling traffic lanes on Fair Oaks Boulevard, Sacramento, California.
Respondent was arrested when she was unable to perform field sobriety tests satisfactorily and
manifested other objective signs of intoxication. The results of Respondent's chemical breath test
showed that Respondent's blood alcohol concentration was .22%.

1 (b) On or about October 13, 2010, Respondent was convicted by her plea of no contest to
2 violation of Penal Code section 594(a) (vandalism), a misdemeanor, in *People v. Lillian Marie*
3 *Towle*, Sacramento County Superior Court Case No. 10M05141.

4 The circumstances were that on or about July 27, 2010, Sacramento County Sheriff
5 Deputies were dispatched to Respondent's residence in response to a 911 call made by R.T, then
6 Respondent's husband. There, Sheriff Deputies found Respondent in an intoxicated condition
7 and that Respondent had physically and violently attacked R.T., including striking R.T. in the
8 face three (3) times, causing a laceration on his left arm and causing a ten (10) inch reddish mark
9 across R.T.'s chest area. When Respondent was placed in the rear of a patrol vehicle, she
10 screamed profanities and as she thrashed about, Respondent kicked the rear side window of the
11 patrol vehicle out of its frame. When Respondent was subsequently removed from the patrol
12 vehicle, she continued to yell and resisted Sheriff Deputies by twisting her body from side to side.
13 After applying maximum physical restraints to Respondent's body, she was again placed in the
14 rear of the patrol vehicle.

15 SECOND CAUSE FOR DISCIPLINE

16 (Unprofessional Conduct: Use of Alcoholic Beverages)

17 8. Paragraphs 7(a) and 7(b) above and Paragraph 10 below are incorporated by
18 reference. Respondent is subject to disciplinary action under section 4301(h) for unprofessional
19 conduct in that as alleged, Respondent used alcoholic beverages to the extent or in a manner as to
20 be dangerous or injurious to herself, or to any other person or to the public, or to the extent that
21 the use impairs Respondent's ability to conduct with safety to the public the practice authorized
22 by his pharmacy technician license.

23 OTHER MATTERS

24 9. On or about October 13, 2009, the Board of Pharmacy issued a "Letter of
25 Admonishment" against Respondent, as authorized by Business & Professions Code sections
26 4005 and 4315, which is final and effective at this time. Respondent was admonished therein for
27 unprofessional conduct in that on or about November 2, 2007, Respondent was convicted by her
28

1 plea of no contest to violation of Vehicle Code section 23152(a) (driving under the influence of a
2 drug or alcohol), a misdemeanor, on or about August 29, 2007.

3 PRAYER

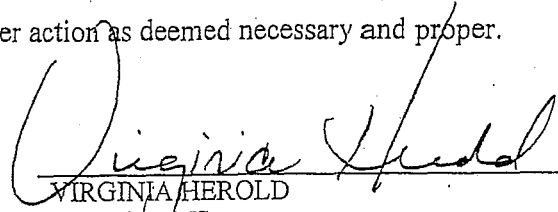
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician License No. TCH 43117, issued to
7 Lillian Marie Towle;

8 2. Ordering Lillian Marie Towle to pay the Board of Pharmacy the reasonable costs of
9 the investigation and enforcement of this case, pursuant to Business and Professions Code section
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 3/4/11



14 VIRGINIA HEROLD
15 Executive Officer
16 Board of Pharmacy
17 Department of Consumer Affairs
18 State of California
19 Complainant

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