

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

In the Matter of the Accusation Against:

**MARTHA A. KECK
P.O. Box 272
Weaverville, CA 96093**

**Pharmacy Technician Registration
No. TCH 31525**

Case No. 4317

OAH No. 2014060486

Respondent.

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 September 8, 2015.

It is so ORDERED on August 7, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

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2 JANICE K. LACHMAN
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 4317

12 **MARTHA A. KECK**
13 **P. O. Box 272**
14 **Weaverville, CA 96093**

OAH No. 2014060486

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Pharmacy Technician Registration**
16 **No. TCH 31525**

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 Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney
24 General.

25 2. Respondent Martha A. Keck ("Respondent") is representing herself in this proceeding
26 and has chosen not to exercise her right to be represented by counsel.

27 //

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1 **2. Obey All Laws**

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

3 Respondent shall report any of the following occurrences to the board, in writing, within
4 seventy-two (72) hours of such occurrence:

- 5 an arrest or issuance of a criminal complaint for violation of any provision of the
6 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
7 substances laws
- 8 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
9 criminal complaint, information or indictment
- 10 a conviction of any crime
- 11 discipline, citation, or other administrative action filed by any state or federal agency
12 which involves respondent's license or which is related to the practice of
13 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
14 for any drug, device or controlled substance.

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

16 **3. Report to the Board**

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

25 **4. Interview with the Board**

26 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
27 with the board or its designee, at such intervals and locations as are determined by the board or its
28 designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 **5. Cooperate with Board Staff**

4 Respondent shall cooperate with the board's inspection program and with the board's
5 monitoring and investigation of respondent's compliance with the terms and conditions of her
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **6. Notice to Employers**

8 During the period of probation, respondent shall notify all present and prospective
9 employers of the decision in case number 4317 and the terms, conditions and restrictions imposed
10 on respondent by the decision, as follows:

11 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
12 respondent undertaking any new employment, respondent shall cause her direct supervisor,
13 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
14 tenure of employment) and owner to report to the board in writing acknowledging that the listed
15 individual(s) has/have read the decision in case number 4317 and the terms and conditions
16 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
17 supervisor(s) submit timely acknowledgement(s) to the board.

18 If respondent works for or is employed by or through a pharmacy employment service,
19 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
20 of the terms and conditions of the decision in case number 4317 in advance of the respondent
21 commencing work at each pharmacy. A record of this notification must be provided to the board
22 upon request.

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of respondent undertaking any new employment by or through a pharmacy employment
25 service, respondent shall cause her direct supervisor with the pharmacy employment service to
26 report to the board in writing acknowledging that she has read the decision in case number 4317
27 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
28 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

4 "Employment" within the meaning of this provision shall include any full-time,
5 part-time, temporary or relief service or pharmacy management service as a pharmacy
6 technician or in any position for which a pharmacy technician license is a requirement
7 or criterion for employment, whether the respondent is considered an employee,
8 independent contractor or volunteer.

9 **7. Reimbursement of Board Costs**

10 As a condition precedent to successful completion of probation, respondent shall pay to the
11 board its costs of investigation and prosecution in the amount of \$1,487.50. Respondent may
12 make payments in a plan approved by the Board. There shall be no deviation from the Board's
13 approved payment plan, absent prior written approval by the board or its designee. Failure to pay
14 costs by the deadline(s) as directed shall be considered a violation of probation.

15 The filing of bankruptcy by respondent shall not relieve respondent of her responsibility to
16 reimburse the board its costs of investigation and prosecution.

17 **8. Probation Monitoring Costs**

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

22 **9. Status of License**

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

26 If respondent's pharmacy technician license expires or is cancelled by operation of law or
27 otherwise at any time during the period of probation, including any extensions thereof due to
28 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all

1 terms and conditions of this probation not previously satisfied.

2 **10. License Surrender While on Probation/Suspension**

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

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

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

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

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

26 **12. Tolling of Probation**

27 Except during periods of suspension, respondent shall, at all times while on probation, be
28 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.

1 Any month during which this minimum is not met shall toll the period of probation, i.e., the
2 period of probation shall be extended by one month for each month during which this minimum is
3 not met. During any such period of tolling of probation, respondent must nonetheless comply
4 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 40 hours per calendar month in California,
7 respondent must notify the board in writing within ten (10) days of cessation of work and must
8 further notify the board in writing within ten (10) days of the resumption of the work. Any
9 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 _____ hours as a pharmacy technician, as defined in Business
15 and Professions Code section 4115. "Resumption of work" means any calendar
16 month during which respondent is working as a pharmacy technician for at least
17 _____ hours as a pharmacy technician as defined by Business and Professions
18 Code section 4115.

19 **13. Violation of Probation**

20 If a 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, until
22 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 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
16 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
17 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
18 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,
19 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
20 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
21 that interest, but only to the extent of that position or interest as of the effective of this decision.
22 Violation of this restriction shall be considered a violation of probation.

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

24 Within thirty (30) days of the effective date of this decision, respondent shall begin regular
25 attendance at a recognized and established substance abuse recovery support group in California,
26 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board
27 or its designee. Respondent must attend at least one group meeting per week unless otherwise
28 directed by the board or its designee. Respondent shall continue regular attendance and submit

1 signed and dated documentation confirming attendance with each quarterly report for the duration
2 of probation. Failure to attend or submit documentation thereof shall be considered a violation of
3 probation.

4 **17. Random Drug Screening**

5 Respondent, at her own expense, shall participate in random testing, including but not
6 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
7 screening program as directed by the board or its designee. Respondent may be required to
8 participate in testing for the entire probation period and the frequency of testing will be
9 determined by the board or its designee. At all times respondent shall fully cooperate with the
10 board or its designee, and shall, when directed, submit to such tests and samples for the detection
11 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
12 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
13 of probation. Upon request of the board or its designee, respondent shall provide documentation
14 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
15 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
16 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
17 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
18 shall be considered a violation of probation and shall result in the automatic suspension of work
19 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
20 board in writing.

21 During suspension, respondent shall not enter any pharmacy area or any portion of or any
22 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
23 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
24 devices or controlled substances are maintained. Respondent shall not do any act involving drug
25 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
26 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
27 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
28 substances. Respondent shall not resume work until notified by the board.

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

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

6 **18. Work Site Monitor**

7 Within ten (10) days of the effective date of this decision, respondent shall identify a work
8 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
9 during working hours. Respondent shall be responsible for ensuring that the work site monitor
10 reports in writing to the board quarterly. Should the designated work site monitor determine at
11 any time during the probationary period that respondent has not maintained sobriety, she shall
12 notify the board immediately, either orally or in writing as directed. Should respondent change
13 employment, a new work site monitor must be designated, for prior approval by the board, within
14 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
15 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
16 considered a violation of probation.

17 **19. Notification of Departure**

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

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

23 Respondent shall completely abstain from the possession or use of alcohol, controlled
24 substances, dangerous drugs and their associated paraphernalia except when the drugs are
25 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
26 request of the board or its designee, respondent shall provide documentation from the licensed
27 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
28 treatment of the respondent. Failure to timely provide such documentation shall be considered a

1 violation of probation. Respondent shall ensure that she is not in the same physical location as
2 individuals who are using illicit substances even if respondent is not personally ingesting the
3 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
4 not supported by the documentation timely provided, and/or any physical proximity to persons
5 using illicit substances, shall be considered a violation of probation.

6 **21. Prescription Coordination and Monitoring of Prescription Use**

7 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
8 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
9 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
10 history with the use of alcohol, and who will coordinate and monitor any prescriptions for
11 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
12 practitioner shall be provided with a copy of the board's Statement of Issues, Stipulated
13 Settlement, and decision. A record of this notification must be provided to the board upon
14 request. Respondent shall sign a release authorizing the practitioner to communicate with the
15 board about respondent's treatment(s). The coordinating physician, nurse practitioner, physician
16 assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation
17 regarding respondent's compliance with this condition. If any substances considered addictive
18 have been prescribed, the report shall identify a program for the time limited use of any such
19 substances. The board may require that the single coordinating physician, nurse practitioner,
20 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in
21 addictive medicine. Should respondent, for any reason, cease supervision by the approved
22 practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing
23 treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or
24 psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
25 timely submit the selected practitioner or replacement practitioner to the board for approval, or to
26 ensure the required reporting thereby on the quarterly reports, shall be considered a violation of
27 probation.

28 If at any time an approved practitioner determines that respondent is unable to practice

1 safely or independently as a pharmacy technician, the practitioner shall notify the board
 2 immediately by telephone and follow up by written letter within three (3) working days. Upon
 3 notification from the board or its designee of this determination, respondent shall be
 4 automatically suspended and shall not resume practice until notified by the board that practice
 5 may be resumed.

6 During suspension, respondent shall not enter any pharmacy area or any portion of the
 7 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
 8 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
 9 or controlled substances are maintained. During suspension, Respondent shall not practice as a
 10 pharmacy technician nor do any act that requires registration as a pharmacy technician with the
 11 Board. Respondent shall not resume practice until notified by the board.

12 ACCEPTANCE

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

17
 18 DATED: 7/9/15 
 19 MARTHA A. KECK
 20 Respondent
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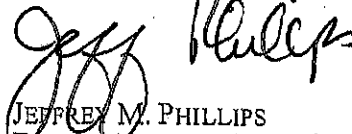
ENDORSEMENT

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

Dated: July 10, 2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4317

1 KAMALA D. HARRIS
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Case No. 4317

13 **MARTHA A. KECK**
14 **AKA MARTHA ANTOINETTE LARRY**
15 **P. O. Box 272**
16 **Weaverville, CA 96093**

ACCUSATION

17 **Pharmacy Technician Registration No. TCH**
18 **31525**

Respondent.

19 Complainant alleges:

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 November 18, 1999, the Board of Pharmacy issued Pharmacy
23 Technician Registration Number TCH 31525 to Martha A. Keck, also known as (aka) Martha
24 Antoinette Larry, (Respondent). The Pharmacy Technician Registration was in full force and
25 effect at all times relevant to the charges brought herein and will expire on May 31, 2015, unless
26 renewed.

27 ///

28 ///

1 JURISDICTION

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 5. Section 4300.1 of the Code states:

8 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by
9 operation of law or by order or decision of the board or a court of law, the placement of a license
10 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
11 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
12 proceeding against, the licensee or to render a decision suspending or revoking the license.”

13 6. Section 4301 of the Code states in pertinent part:

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

17

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

21

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

27

28 “(i) The conviction of a crime substantially related to the qualifications, functions, and
duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
(commencing with Section 801) of Title 21 of the United States Code regulating controlled
substances or of a violation of the statutes of this state regulating controlled substances or
dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
The board may inquire into the circumstances surrounding the commission of the crime, in order
to fix the degree of discipline or, in the case of a conviction not involving controlled substances or
dangerous drugs, to determine if the conviction is of an offense substantially related to the
qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning

1 of this provision. The board may take action when the time for appeal has elapsed, or the
2 judgment of conviction has been affirmed on appeal or when an order granting probation is made
3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
6 indictment..."

7 COST RECOVERY

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

12 FIRST CAUSE FOR DISCIPLINE

13 (Criminal Conviction)

14 8. Respondent is subject to disciplinary action for unprofessional conduct under section
15 4301, subdivision (f), in that on or about March 1, 2012, in the Trinity County Superior Court
16 case entitled *People v. Martha Antoinette Larry*, Case Number 12F039, Respondent pled nolo
17 contendere to two counts of violating Penal Code section 273d, subdivision (a), inflicting corporal
18 injury on a child, a misdemeanor. The circumstances are as follows:

19 9. On or about January 21, 2012, Respondent yelled "who threw that" and ran towards a
20 group of three (3) minor children (Victim 1 (V1), Victim 2 (V2), and Victim 3 (V3)) who began
21 running away from her. Respondent grabbed V1 by the hair, and placed her hand around V1's
22 throat pressing her thumb into V1's windpipe with sufficient force to prevent V1 from breathing.
23 V2 yelled "leave her alone" and Respondent turned to V2 and grabbed V2 by the throat.
24 Respondent stated she had been hit by two snowballs, which V1 and V2 denied throwing. Upon
25 arrest, Respondent's blood alcohol level was 0.2%.

26 SECOND CAUSE FOR DISCIPLINE

27 (Acts Involving Moral Turpitude)

28 10. Respondent is subject to disciplinary action for unprofessional conduct under section
4301, subdivision (f), in that on or about January 21, 2012, Respondent committed a crime against
the person, to wit, assault upon two (2) minor children as described in paragraph 9, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Use of Alcohol in a Manner or to an Extent Dangerous to Self or Others)**

3 11. Respondent is subject to disciplinary action for unprofessional conduct under section
4 4301, subdivision (h), in that on or about January 21, 2012, Respondent's consumed alcohol to
5 the extent that her blood alcohol level was 0.2% by volume, as described in paragraph 9, above.

6 **DISCIPLINE CONSIDERATIONS**

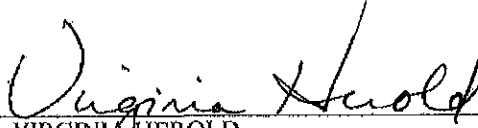
7 12. To determine the degree of discipline, if any, to be imposed on Respondent,
8 Complainant alleges that on or about June 10, 2009, in a prior criminal proceeding entitled *People*
9 *v. Martha Antoinette Larry* in Tehama Superior Court, Case Number NCR76846, Respondent
10 was convicted of violating Vehicle Code section 23152, subdivision (b) (driving under the
11 influence with blood alcohol level greater than 0.08% by volume), a misdemeanor. Respondent's
12 blood alcohol level on that occasion was 0.19% by volume. The record of the criminal
13 proceeding is incorporated as if fully set forth.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 31525,
18 issued to Martha A. Keck, aka Martha Antoinette Larry;
- 19 2. Ordering Martha A. Keck, aka Martha Antoinette Larry, to pay the Board of
20 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
21 Business and Professions Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

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24 DATED: 1/31/14


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

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