

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

In the Matter of the Accusation Against:

Case No. 4513

CANDICE BARTON
4234 Hatfield Place
Los Angeles, CA 90032

Pharmacy Technician Registration No.
TCH 96084

Respondent.

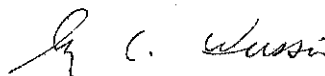
DECISION AND ORDER

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 July 11, 2014.

It is so ORDERED on July 8, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
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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. 4513

11 **CANDICE ELAINE BARTON**
12 **4234 Hatfield Pl.**
Los Angeles, CA 90032
13 **Pharmacy Technician Registration No. TCH**
96084

OAH No. 2013080921

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 Respondent.

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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 Gillian E. Friedman, Deputy Attorney
24 General.

25 2. Candice Elaine Barton (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.

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

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

7 3. Respondent surrenders pharmacy technician license number No. TCH 96084
8 as of the effective date of this decision. Respondent shall relinquish her pharmacy technician
9 license to the board within ten (10) days of the effective date of this decision.

10 4. If Respondent ever files an application for licensure or a petition for reinstatement in
11 the State of California, the Board shall treat it as a new application for licensure. Respondent
12 may not apply for any license, permit, or registration from the board for three (3) years from the
13 effective date of this decision. Respondent stipulates that should he or she apply for any license
14 from the board on or after the effective date of this decision, all allegations set forth in the
15 accusation shall be deemed to be true, correct and admitted by respondent when the board
16 determines whether to grant or deny the application. Respondent shall satisfy all requirements
17 applicable to that license as of the date the application is submitted to the board, including, but
18 not limited to certification by a nationally recognized body prior to the issuance of a new license.
19 Respondent is required to report this surrender as disciplinary action.

20 5. Respondent stipulates that should she apply for any license from the board on or
21 after the effective date of this decision, investigation and prosecution costs in the amount of
22 \$ 4,527.00 shall be paid to the board prior to issuance of the license.

23 6. If Respondent should ever apply or reapply for a new license or certification, or
24 petition for reinstatement of a license, by any other health care licensing agency in the State of
25 California, all of the charges and allegations contained in Accusation, No. 4513 shall be deemed
26 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
27 other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. 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: _____

CANDICE ELAINE BARTON
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:

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General

GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. 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:

5/20/14



CANDICE ELAINE BARTON
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: 5/20/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4513

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
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9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 4513

13 **CANDICE ELAINE BARTON**

14 4234 Hatfield Pl.
Los Angeles, CA 90032

ACCUSATION

15 Pharmacy Technician Registration No. TCH
96084

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy.

22 2. On or about May 26, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration No. TCH 96084 to Candice Elaine Barton (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on January 31, 2014, unless renewed.

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1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 **COST RECOVERY**

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

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Conviction of a Substantially Related Crime)**

9 10. Respondent is subject to disciplinary action under sections 4300, 4301,
10 subdivision (l), and 490, in conjunction with California Code of Regulations, title 16, section
11 1770, in that Respondent was convicted of a crime substantially related to the qualifications,
12 functions, and duties of a pharmacy technician.

13 a. On or about February 23, 2012, after pleading no contest, Respondent was convicted
14 of one felony count of violating Penal Code section 243(d) [battery on a person causing serious
15 bodily injury] in the criminal proceeding entitled *The People of the State of California vs.*
16 *Candice Elaine Barton* (Super. Ct. Los Angeles County, 2011, No. BA389824). The Court
17 sentenced Respondent to 365 days in jail, payment of fines, placed her on three (3) years
18 probation, and ordered her to stay away from victim HV.

19 b. The circumstances surrounding the conviction are that on or about
20 September 20, 2011, Respondent was involved in a physical altercation involving the service of a
21 child custody subpoena that resulted in bodily harm to victim HV. Respondent came behind
22 victim HV and hit him in the back with an unknown object causing injury.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct / Moral Turpitude)**

25 11. Respondent is subject to disciplinary action under sections 4300 and 4301,
26 subdivision (f) in that Respondent committed and an act of unprofessional conduct in that she
27 engaged in Moral Turpitude. Complainant refers to, and by this reference incorporates, the
28 allegations set forth above in paragraph 10, inclusive, as though set forth fully.

1 DISCIPLINARY CONSIDERATIONS

2 12. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges the following:

4 a. On or about July 2, 2008, after pleading nolo contendere, Respondent was convicted
5 of one misdemeanor count of violating Penal Code section 487A [grand theft], in the criminal
6 proceedings entitled *The People of the State of California v. Candice Elaine Barton* (Super. Ct.
7 Los Angeles County, 2008, No. 8CA07578). The Court placed Respondent on 18 months
8 probation, and ordered Respondent to pay restitution and fines. The Court further ordered
9 Respondent to enroll in and complete seven (7) days of the Cal Trans program.

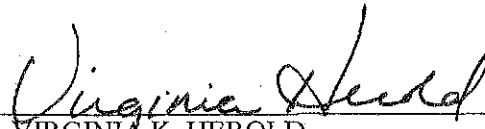
10 b. The circumstances surrounding the conviction occurred on or about May 8, 2008,
11 where Respondent was arrested for stealing property from her former employer. Respondent did
12 not disclose the violation in her application.

13 PRAYER

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 96084, issued
17 to Candice Elaine Barton;
18 2. Ordering Candice Elaine Barton to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to section 125.3; and
20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 4/19/13


23 VIRGINIA K. HEROLD
24 Executive Officer
25 California State Board of Pharmacy
26 State of California
27 Complainant

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