

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

In the Matter of the Accusation Against:

**JOANNE LAFORCE**

3536 Ocean Drive  
Oxnard, CA 93035

**Pharmacist License No. RPH 40455**

Respondent.

Case No. 4629

OAH No. 2014110134

**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 September 25, 2015.

It is so ORDERED on August 26, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 MATTHEW A. KING  
Deputy Attorney General  
4 State Bar No. 265691  
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5 Los Angeles, CA 90013  
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6 (213) 897-7446

7 *Attorneys for Complainant*

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. 4629  
OAH No. 2014110134

12 **JOANNE LAFORCE**  
3536 Ocean Drive  
13 Oxnard, CA 93035

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 **Pharmacist License No. RPH 40455**

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. Complainant Virginia Herold 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 Matthew A. King, Deputy Attorney  
23 General.

24 2. Respondent Joanne LaForce is represented in this proceeding by attorney  
25 Salvatore J. Zimmitti of Nelson Hardiman, LLP. Counsel's address is 11835 West Olympic  
26 Blvd., Suite 900, Los Angeles, CA 90064.

27 3. On August 28, 1986, the Board of Pharmacy issued Pharmacist License No. RPH  
28 40455 to Respondent. The Pharmacist License was in full force and effect at all times relevant to

1 the charges brought in Accusation No. 4629 and will expire on January 31, 2016, unless it is  
2 renewed.

3 **JURISDICTION**

4 4. Accusation No. 4629 was filed before the Board on August 8, 2014 and is currently  
5 pending against Respondent. The Accusation and all other statutorily required documents were  
6 properly served on Respondent on November 26, 2014. Respondent timely filed her Notice of  
7 Defense contesting the Accusation. A copy of Accusation No. 4629 is attached as Exhibit A and  
8 is incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Accusation No. 4629. Respondent also has carefully read, fully  
12 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
13 Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
16 her own expense; the right to confront and cross-examine the witnesses against her; the right to  
17 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to  
18 compel the attendance of witnesses and the production of documents; the right to reconsideration  
19 and court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 4629, agrees that cause exists for discipline, and hereby surrenders her Pharmacist License  
4 No. RPH 40455 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation, she enables the Board to  
6 issue an order accepting the surrender of her Pharmacist License without further process.

7 **RESERVATION**

8 10. The admissions made by Respondent herein are only for the purposes of this  
9 proceeding, or any other proceedings in which the Board of Pharmacy or other professional  
10 licensing agency is involved, and shall not be admissible in any other criminal or civil  
11 proceeding.

12 **CONTINGENCY**

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

22 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
23 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
24 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

25 13. This Stipulated Surrender of License and Order is intended by the parties to be an  
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
28 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
2 executed by an authorized representative of each of the parties.

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

5 **ORDER**

6 IT IS HEREBY ORDERED that Pharmacist License No. RPH 40455, issued to Respondent  
7 Joanne LaForce, is surrendered and accepted by the Board of Pharmacy.

8 1. The surrender of Respondent's Pharmacist License and the acceptance of the  
9 surrendered license by the Board shall constitute the imposition of discipline against Respondent.  
10 This stipulation constitutes a record of the discipline and shall become a part of Respondent's  
11 license history with the Board of Pharmacy.

12 2. Respondent shall lose all rights and privileges as a Registered Pharmacist in  
13 California as of the effective date of the Board's Decision and Order.

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

16 4. Respondent may not apply for any license, permit, or registration from the Board for  
17 three years from the effective date of the Board's Decision and Order.

18 5. If Respondent ever applies for licensure or petitions for reinstatement in the State of  
19 California, the Board shall treat it as a new application for licensure. Respondent must comply  
20 with all the laws, regulations and procedures for licensure in effect at the time the application or  
21 petition is filed, and all of the charges and allegations contained in Accusation No. 4629 shall be  
22 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
23 grant or deny the application or petition.

24 6. Respondent shall pay the agency its costs of investigation and enforcement in the  
25 amount of **\$5,062.50** prior to the issuance of a new license.

26 7. If Respondent should ever apply or reapply for a new license or certification, or  
27 petition for reinstatement of a license, by any other health care licensing agency in the State of  
28 California, all of the charges and allegations contained in Accusation, No. 4629 may be

1 considered by that agency to be true, correct, and admitted by Respondent for the purpose of any  
2 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully  
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my  
6 Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily,  
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
8 Pharmacy.

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DATED: 3/8/15 *Joanne La Force*  
JOANNE LAFORCE  
Respondent

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

DATED: \_\_\_\_\_  
SALVATORE J. ZIMMITTI  
Attorney for Respondent

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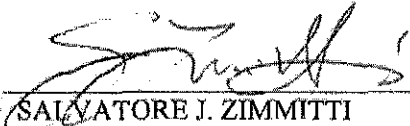
1 considered by that agency to be true, correct, and admitted by Respondent for the purpose of any  
2 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Order and have fully  
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my  
6 Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily,  
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
8 Pharmacy.

9  
10  
11 DATED: \_\_\_\_\_  
12 JOANNE LAFORCE  
13 Respondent

14 I have read and fully discussed with my client the terms and conditions and other matters  
15 contained in this Stipulated Surrender of License and Order. I approve its form and content.

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18 DATED: 3/9/15 \_\_\_\_\_  
19   
20 SALVATORE J. ZIMMITTI  
Attorney for Respondent

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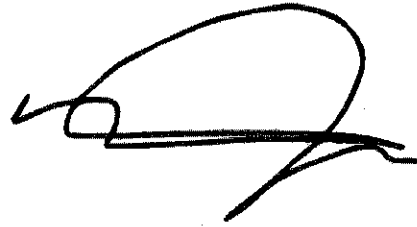
**ENDORSEMENT**

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: March 10, 2015

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA L. SUN  
Supervising Deputy Attorney General



MATTHEW A. KING  
Deputy Attorney General  
*Attorneys for Complainant*

LA2013509445/51702561



**Exhibit A**

**Accusation No. 4629**

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1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 MATTHEW A. KING  
Deputy Attorney General  
4 State Bar No. 265691  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 (213) 897-7446

7 *Attorneys for Complainant*

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. 4629

12 **JOANNE LAFORCE**

**ACCUSATION**

13 3536 Ocean Drive  
14 Oxnard, CA 93035

[Gov. Code, § 11503.]

15 **Pharmacist License No. RPH 40455**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Complainant Virginia Herold brings this Accusation solely in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, an agency within the Department of Consumer  
22 Affairs.

23 2. On August 28, 1986, the Board issued Registered Pharmacist License Number  
24 RPH 40455 to Respondent Joanne LaForce. The Registered Pharmacist License was in full force  
25 and effect at all times relevant to the charges brought herein and will expire on January 31, 2016  
26 unless it is renewed.

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1 JURISDICTION

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

4 4. Section 4300, subdivision (a), of the Code states that "[e]very license issued may be  
5 suspended or revoked."

6 5. Section 4300.1 of the Code states:

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

10 STATUTORY PROVISIONS

11 6. Section 490 of the Code empowers the Board to suspend or revoke a license on the  
12 ground that a licensee has been convicted of a crime substantially related to the qualifications,  
13 functions or duties of the business or profession for which the license was issued.

14 7. Section 493 of the Code provides that a board may inquire as to the circumstances  
15 surrounding the commission of a crime and that the record of conviction of the crime shall be  
16 conclusive evidence of the fact that the conviction occurred.

17 8. Section 4301 of the Code states, in pertinent part:

18 The board shall take action against any holder of a license who is guilty of  
19 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:

20 ...

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

22 ...

23 (l) The conviction of a crime substantially related to the qualifications,  
24 functions, and duties of a licensee...[T]he record of conviction shall be conclusive  
25 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  
26 degree of discipline...A plea or verdict of guilty or a conviction following a plea  
of nolo contendere is deemed to be a conviction within the meaning of this  
provision.

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1 (o) Violating or attempting to violate, directly or indirectly, or assisting in  
2 or abetting the violation of or conspiring to violate any provision or term of this  
3 chapter or of the applicable federal and state laws and regulations governing  
4 pharmacy, including regulations established by the board or by any other state or  
5 federal regulatory agency.

6 (p) Actions or conduct that would have warranted denial of a license...

7 9. Section 4307 of the Code states, in pertinent part:

8 (a) Any person who has been denied a license or whose license has been  
9 revoked or is under suspension, or who has failed to renew his or her license while  
10 it was under suspension, or who has been a manager, administrator, owner,  
11 member, officer, director, associate, or partner of any partnership, corporation, firm,  
12 or association whose application for a license has been denied or revoked, is under  
13 suspension or has been placed on probation, and while acting as the manager,  
14 administrator, owner, member, officer, director, associate, or partner had knowledge  
15 of or knowingly participated in any conduct for which the license was denied,  
16 revoked, suspended, or placed on probation, shall be prohibited from serving as a  
17 licensee as follows:

18 (1) Where a probationary license is issued or where an existing license is  
19 placed on probation, this prohibition shall remain in effect for a period not to  
20 exceed five years.

21 (2) Where the license is denied or revoked, the prohibition shall continue until  
22 the license is issued or reinstated...

### 23 REGULATORY PROVISIONS

24 10. California Code of Regulations, title 16, section 1770, states:

25 For the purpose of denial, suspension, or revocation of a personal or  
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
27 Business and Professions Code, a crime or act shall be considered substantially  
28 related to the qualifications, functions or duties of a licensee or registrant if to a  
substantial degree it evidences present or potential unfitness of a licensee or  
registrant to perform the functions authorized by his license or registration in a  
manner consistent with the public health, safety, or welfare.

### 29 CONTROLLED SUBSTANCE

30 11. Marijuana is a Schedule I controlled substance and dangerous drug. (Health & Saf.  
31 Code, § 11054, subd. (d)(13); Bus. & Prof. Code, § 4022.)

### 32 COST RECOVERY

33 12. Section 125.3 of the Code provides that the Board may request the administrative law  
34 judge to direct a licensee found to have violated the licensing act to pay a sum not to exceed the  
35 reasonable costs of the investigation and enforcement of the case.

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1 STATEMENT OF FACTS

2 13. Between approximately January 8, 2009 and October 28, 2010, Friendlyceuticals, a  
3 California corporation, manufactured marijuana-infused food products and sold them for profit to  
4 marijuana dispensaries. Respondent managed and operated Friendlyceuticals with her ex-  
5 husband. She also ran two marijuana dispensaries on her own, W Farm and V Farm, both of  
6 which sold Friendlyceuticals products.

7 14. On October 28, 2010, the Los Angeles Interagency Metropolitan Police Apprehension  
8 Crime Task Force (LA IMPACT) searched Friendlyceuticals pursuant to a warrant. The officers  
9 seized 1,828 twelve-ounce bottles of tetrahydrocannabinol-infused beverages, representing  
10 approximately 171 gallons of adulterated liquid. Tetrahydrocannabinol (THC) is the  
11 psychoactive ingredient in marijuana and determines the drug's potency.

12 15. In addition, officers recovered 76.4 pounds of THC-fortified butter, nearly half a  
13 pound of THC-based fudge, 72.36 pounds of individually wrapped THC-infused food stuffs,  
14 56.05 pounds of uncut marijuana brownies, 635.6 grams (1.4 lbs.) of raw marijuana powder and  
15 2,156.6 grams (4.75 lbs.) of marijuana buds and leaves.

16 16. On July 19, 2012, Respondent pleaded *nolo contendere* to one felony count of  
17 possessing marijuana for sale (Health & Saf. Code, § 11359); one felony count of manufacturing  
18 a controlled substance (Health & Saf. Code, § 11379.6, subd. (a)); one misdemeanor count of  
19 unlawfully manufacturing, selling and offering adulterated food for sale (Health & Saf. Code, §  
20 110620); and one misdemeanor count of unlawfully adulterating food (Health & Saf. Code, §  
21 110625). The Court sentenced Respondent to one day in jail and placed her on formal probation  
22 for 36 months on the condition that she complete 500 hours of community service and pay \$2,180  
23 in fines and restitution. (*People v. LaForce* (Super. Ct. L.A. County, 2012, No. SA079081).)

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**FIRST CAUSE FOR DISCIPLINE**

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

17. Respondent is subject to disciplinary action under Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a Registered Pharmacist. Complainant realleges paragraphs 13-16.

**SECOND CAUSE FOR DISCIPLINE**

**(Violate Statutes Regulating Controlled Substances and Dangerous Drugs)**

18. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (j), for unprofessional conduct in that Respondent violated state statutes regulating controlled substances and dangerous drugs. Complainant realleges paragraphs 13-16.

**THIRD CAUSE FOR DISCIPLINE**

**(Violate Pharmacy Law)**

19. Respondent is subject to disciplinary action under Code section 4301, subdivision (o), for unprofessional conduct in that Respondent violated and conspired to violate the provisions of the Pharmacy Law. Complainant realleges paragraphs 13-16.

**FOURTH CAUSE FOR DISCIPLINE**

**(Conduct Warranting Denial)**

20. Respondent is subject to disciplinary action under Code section 4301, subdivision (p), for unprofessional conduct in that Respondent committed acts that would warrant denial of licensure if they had been committed by an applicant. Complainant realleges paragraphs 13-16.

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OTHER MATTERS

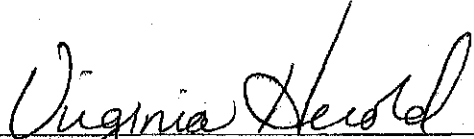
21. Pursuant to section 4307 of the Code, if discipline is imposed on Registered Pharmacist License Number RPH 40455, issued to Respondent Joanne LaForce, then Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate or partner of a licensee for a period not to exceed five years in the case of probation, or, in the case of revocation, until the license is reinstated.

PRAYER

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

1. Revoking or suspending Registered Pharmacist License Number RPH 40455, issued to Respondent Joanne LaForce;
2. Ordering Respondent Joanne LaForce to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and
3. Prohibiting Respondent Joanne LaForce from serving as a manger, administrator, owner, member, officer, director, associate or partner of a licensee for a period not to exceed five years in the case of probation, or, in the case of revocation, until the license is reinstated.
4. Taking such other and further action as deemed necessary and proper.

DATED: 8/8/14

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

LA2013509445