

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

In the Matter of the Accusation Against:

**TERI ANN JOHN
9004 Montmedy Ct.
Bakersfield, CA 93311
Pharmacy Technician Registration No. TCH
125254**

Respondent.

Case No. 5035

OAH No. 2014101022

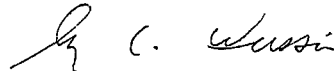
DECISION AND ORDER

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 April 15, 2015.

It is so ORDERED on April 8, 2015.

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 GREENBAUM
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 5035

13 **TERI ANN JOHN**
14 **9004 Montmedy Ct.**
15 **Bakersfield, CA 93311**
16 **Pharmacy Technician Registration No. TCH**
17 **125254**

OAH No. 2014101022

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

Respondent.

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 William D. Gardner, Deputy Attorney
24 General.

25 2. Teri Ann John (Respondent) is represented in this proceeding by attorney James E.
26 Noriega, whose address is 3300 Truxtun Avenue, Suite 350, Bakersfield, CA 93301.

27 3. On or about December 10, 2012, the Board of Pharmacy issued Pharmacy
28 Technician Registration No. TCH 125254 to Teri Ann John (Respondent). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought in
2 Accusation No. 5035 and will expire on June 30, 2016, unless renewed.

3 JURISDICTION

4 4. Accusation No. 5035 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on September 3, 2014.
7 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 5035 is attached as Exhibit A and incorporated 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. 5035. 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.

23 CULPABILITY

24 8. Respondent understands that the charges and allegations in Accusation No. 5035, if
25 proven at a hearing, constitute cause for imposing discipline upon her Pharmacy Technician
26 Registration.

27 9. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

1 basis for the charges in the Accusation and that those charges constitute cause for discipline.
2 Respondent hereby gives up her right to contest that cause for discipline exists based on those
3 charges.

4 10. Respondent understands that by signing this stipulation she enables the Board to issue
5 an order accepting the surrender of her Pharmacy Technician Registration without further
6 process.

7 CONTINGENCY

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

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

20 13. This Stipulated Surrender of License and Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
24 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
25 executed by an authorized representative of each of the parties.

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

28 ///

ORDER

1
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 125254,
3 issued to Respondent Teri Ann John, is surrendered and accepted by the Board of Pharmacy.

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

8 2. Respondent shall lose all rights and privileges as a registered pharmacy technician in
9 California as of the effective date of the Board's Decision and Order. Respondent shall relinquish
10 her pharmacy technician license to the Board within ten (10) of the effective date of the Decision
11 and Order.

12 3. If Respondent ever files an application for licensure or a petition for reinstatement in
13 the State of California, the Board shall treat it as a new application for licensure. Respondent
14 may not apply for any license, permit or registration from the Board for three (3) years from the
15 effective date of this Decision and Order. Respondent stipulates that should she apply for any
16 license from the Board on or after the effective date of this Decision and Order, all allegations
17 contained in Accusation No. 5035 shall be deemed to be true, correct, and admitted by
18 Respondent when the Board determines whether to grant or deny the application. Respondent
19 shall satisfy all requirements applicable to that license as of the date that the application is
20 submitted to the Board, including, but not limited to certification by a nationally recognized body
21 prior to the issuance of a new license. Respondent is required to report this surrender as a
22 disciplinary action.

23 4. Respondent shall pay the agency its costs of investigation and enforcement in the
24 amount of \$2,597.00 prior to issuance of a new or reinstated license.


25 5. If Respondent should ever apply or reapply for a new license or certification, or
26 petition for reinstatement of a license, by any other health care licensing agency in the State of
27 California, all of the charges and allegations contained in Accusation No. 5035 shall be deemed to

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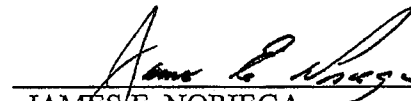
1 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
2 other proceeding seeking to deny or restrict licensure.

3 ACCEPTANCE

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

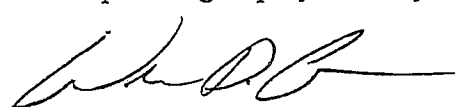
9
10 DATED: 01/20/2015 
11 TERI ANN JOHN
Respondent

12 I have read and fully discussed with Respondent Teri Ann John the terms and conditions
13 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
14 and content.

15 DATED: Jan. 20, 2015 
16 JAMES E. NORIEGA
Attorney for Respondent

17
18 ENDORSEMENT

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

21 Dated: 2/6/15 Respectfully submitted,
22 KAMALA D. HARRIS
Attorney General of California
23 MARC GREENBAUM
Supervising Deputy Attorney General
24
25 
26 WILLIAM D. GARDNER
Deputy Attorney General
27 Attorneys for Complainant

28 LA2014510884
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Exhibit A

Accusation No. 5035

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2114
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 5035

12 **TERI ANN JOHN**
13 5100 Ming Ave., #C-21
Bakersfield, CA 93309

ACCUSATION

14 Pharmacy Technician Registration
15 No. TCH 125254

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 10, 2012, the Board issued Pharmacy Technician Registration
23 No. TCH 125254 to Teri Ann John (Respondent). The Pharmacy Technician Registration was in
24 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
25 2014, unless renewed.

26 **JURISDICTION**

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

1 4. Section 4300.1 states:

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

7 **STATUTORY PROVISIONS**

8 5. Section 4301 states, in pertinent part:

9 "The board shall take action against any holder of a license who is guilty of unprofessional
10 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

11 Unprofessional conduct shall include, but is not limited to, any of the following:

12

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

18

19 6. Section 492 states:

20 "Notwithstanding any other provision of law, successful completion of any diversion
21 program under the Penal Code, or successful completion of an alcohol and drug problem
22 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
23 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
24 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
25 division, from taking disciplinary action against a licensee or from denying a license for
26 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
27 record pertaining to an arrest.

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1 "This section shall not be construed to apply to any drug diversion program operated by any
2 agency established under Division 2 (commencing with Section 500) of this code, or any initiative
3 act referred to in that division."

4 **REGULATORY PROVISIONS**

5 7. California Code of Regulations, title 16, section 1770, states:

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

12 **COST RECOVERY**

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

17 9. **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

18 a. "Marijuana," is a Schedule I controlled substance as designated by the Health and
19 Safety Code section 11054, subdivision (d)(13) and is categorized as a dangerous drug pursuant to
20 section 4022.

21 b. "Norco," Schedule III controlled substances pursuant to Health and Safety Code
22 section 11056, subdivision (e)(4), and are categorized as dangerous drugs pursuant to section
23 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Dangerous Use of Controlled Substance/Alcohol)**

26 10. Respondent is subject to disciplinary action under section 4301, subdivision (h) and (j),
27 in that Respondent used a controlled substance, dangerous drug and/or alcoholic beverages to an
28 extent or in a manner dangerous or injurious to herself and others, as follows:

1 a. On or about February 14, 2013 the California Highway Patrol Department observed a
2 vehicle parked on the shoulder of the road partially in the roadway and stopped to check the
3 welfare of its two occupants. Respondent was the right front passenger. While speaking to her,
4 the officer observed a broken hollowed out pen with powder residue and powder residue on
5 Respondent's nostril. The officer observed that respondent appeared to be under the influence of a
6 controlled substance. Respondent stated that the broken pen had been used for snorting Norco
7 and admitted to snorting Norco in the vehicle prior to being checked on by the officer. During a
8 search of the vehicle, the officer found three, small, round, blue pills, multiple plastic bags, and a
9 jar containing Marijuana and another one containing concentrated Marijuana. Respondent was
10 subsequently arrested for violating Health and Safety Code section 11550, subdivision (a) [under
11 the influence of a controlled substance]. During the booking procedure, Respondent submitted to
12 a urine test that resulted in a blood-alcohol content level of 0.08% and also tested positive for
13 Marijuana. The driver of the vehicle, Respondent's boyfriend, was also arrested for driving under
14 the influence.

15 b. Subsequently, on or about August 12, 2013, after pleading guilty, the Court placed
16 Respondent on 36 months Deferred Entry of Judgment for violating Health and Safety Code
17 section 11550, subdivision (a) [possession of a controlled substance] in the criminal proceeding
18 entitled *The People of the State of California vs. John Teri Ann* (Super. Ct. Siskiyou County,
19 2011, No. MCWDCRM13000402). On information and belief, to date, Respondent remains in
20 the Deferred Entry of Judgment Program.

21 c. On or about March 28, 2013, the Bakersfield Police Department found Respondent
22 lying in a roadway. When they arrived on the scene, Respondent showed symptoms of being
23 under the influence of alcohol. The officers determined that Respondent was unable to care for
24 her safety or the safety of others and was arrested for violating Penal Code section 647,
25 subdivision (f) [public intoxication]. Subsequently, on or about April 3, 2013, charges were filed
26 in the criminal proceeding entitled *The People of the State of California v. Teri Ann John* (Super.
27 Ct. Kern County, 2013, No. BM820123A). On or about May 30, 2013, after pleading nolo
28 contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section

1 647, subdivision (f) [public intoxication]. The Court set the case for hearing on conditional
2 dismissal if Respondent did not have further violations. On or about December 4, 2013 the Court
3 dismissed the case.

4 **FOURTH CAUSE FOR DISCIPLINE**
5 **(Unprofessional Conduct)**

6 11. Respondent is subject to disciplinary action under section 4301 in conjunction with
7 California Code of Regulations, title 16, section 1770, in that Respondent committed acts of
8 unprofessional which evidence present or potential unfitness to perform the functions authorized
9 by her registration in a manner consistent with the public health, safety, or welfare. Complainant
10 refers to, and by this reference incorporates, the allegations set forth above in paragraph 10,
11 subparagraphs a – c., inclusive, as though set forth fully herein.

12 **DISCIPLINE CONSIDERATIONS**

13 12. To determine the degree of discipline, if any, to be imposed on Respondent,
14 Complainant alleges, as follows:

15 a. On or about January 20, 2011, Respondent was convicted of one misdemeanor count
16 of violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or
17 drugs] in the criminal proceeding entitled *The People of the State of California v. John Teri Ann*
18 (Super. Ct. Kern County, 2011, No. BM780428A). The Court sentence Respondent serve two
19 days in Kern County Jail and placed her on three years probation, with terms and conditions.

20 b. The circumstances surrounding the conviction are that on or about December 4, 2010,
21 Respondent was drove a vehicle while under the influence of alcohol or drugs.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration No. TCH 125254, issued
26 to Teri Ann John;

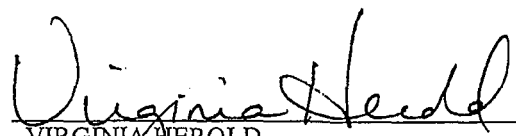
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- 2. Ordering Teri Ann John to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 8/12/14



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

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