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

In the Matter of the Accusation Against:
PATTY ADRIANA DRIBON
13755 Wingo Street
Arleta, CA 91321

Pharmacy Technician Registration
No. TCH 124325

Respondent.

Case No. 5071

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 9, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5071 against Patty Adriana Dribon ("Respondent") before the Board of Pharmacy.
(Accusation attached as Exhibit A.)
2. On or about June 25, 2012, the Board of Pharmacy ("Board") issued Pharmacy Technician Registration No. TCH 124325 to Respondent. The Pharmacy Technician Registration expired on November 30, 2013, and has not been renewed.
3. On or about July 2, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5071, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
3 is required to be reported and maintained with the Board. Respondent's address of record was
4 and is:

5 13755 Wingo Street
6 Arleta, CA 91321.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about July 21, 2014, the aforementioned documents served by first class mail
11 were returned by the U.S. Postal Service marked "Moved, left no address." The address on the
12 documents was the same as the address on file with the Board.

13 6. On or about July 30, 2014, the aforementioned documents served by certified mail
14 were returned by the U.S. Postal Service marked "Moved, left no address." The address on the
15 documents was the same as the address on file with the Board.

16 7. Respondent failed to maintain an updated address with the Board and the Board has
17 made attempts to serve the Respondent at the address on file. Respondent has not made herself
18 available for service and therefore, has not availed herself of her right to file a notice of defense
19 and appear at hearing.

20 8. Government Code section 11506 states, in pertinent part:

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts
23 of the accusation not expressly admitted. Failure to file a notice of defense shall
24 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
25 may nevertheless grant a hearing.

26 9. Respondent failed to file a Notice of Defense within 15 days after service upon her of
27 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5071.

28 10. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

1 discovered controlled substances in Respondent's vehicle. The circumstances are described in
2 additional detail in Accusation No. 5071, which is hereby incorporated by reference as though set
3 forth fully.

4 c. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
5 (o), for violating section 4060 and Health and Safety Code section 11350, subdivision (a), in that
6 Respondent was found to be in illegal possession of controlled substances. The circumstances are
7 described in additional detail in Accusation No. 5071, which is hereby incorporated by reference
8 as though set forth fully.

9 d. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
10 that Respondent violated provisions of the Pharmacy Law. The circumstances are described in
11 additional detail in Accusation No. 5071, which is hereby incorporated by reference as though set
12 forth fully.

13 ORDER

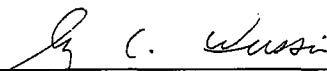
14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 124325, heretofore
15 issued to Respondent Patty Adriana Dribon, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on October 9, 2014.

21 It is so ORDERED September 9, 2014.

22 BOARD OF PHARMACY
23 DEPARTMENT OF CONSUMER AFFAIRS
24 STATE OF CALIFORNIA

25 By 
26 STAN C. WEISSER
27 Board President

28 51572540.DOC
DOJ Matter ID:LA2014511256

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 MARC D. GREENBAUM
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3 ZACHARY T. FANSELOW
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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 5071

11 **PATTY ADRIANA DRIBON**
12 13755 Wingo Street
Arleta, CA 91321

ACCUSATION

13 Pharmacy Technician Registration
14 No. TCH 124325

15 Respondent.

16
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 ("Board").

21 2. On or about June 25, 2012, the Board issued Pharmacy Technician Registration No.
22 TCH 124325 to Patty Adriana Dribon ("Respondent"). The Pharmacy Technician Registration
23 expired on November 30, 2013, and has not been renewed.

24 **JURISDICTION**

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

27 4. Section 4300 provides in pertinent part, that every license issued by the Boards is
28 subject to discipline, including suspension or revocation.

1 5. Section 4300.1 states:

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

7 STATUTORY PROVISIONS

8 6. Section 490 states, in pertinent part:

9 "(a) In addition to any other action that a board is permitted to take against a licensee, a
10 board may suspend or revoke a license on the ground that the licensee has been convicted of a
11 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
12 or profession for which the license was issued.

13 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
14 discipline a licensee for conviction of a crime that is independent of the authority granted under
15 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
16 of the business or profession for which the licensee's license was issued.

17 "(c) A conviction within the meaning of this section means a plea or verdict of guilty or a
18 conviction following a plea of nolo contendere. Any action that a board is permitted to take
19 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
20 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
21 made suspending the imposition of sentence, irrespective of a subsequent order under the
22 provisions of Section 1203.4 of the Penal Code."

23 7. Section 4060 states:

24 "A person shall not possess any controlled substance, except that furnished to a person
25 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
26 doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
27 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a
28 physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5,

1 or a pharmacist pursuant to either Section 4052.1 or 4052.2. This section does not apply to the
2 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
3 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
4 midwife, nurse practitioner, or physician assistant, if in stock in containers correctly labeled with
5 the name and address of the supplier or producer."

6 8. Section 4301 states, in pertinent part:

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

10 ...

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

13 ...

14 "(l) The conviction of a crime substantially related to the qualifications, functions, and
15 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
16 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
17 substances or of a violation of the statutes of this state regulating controlled substances or
18 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
19 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
20 The board may inquire into the circumstances surrounding the commission of the crime, in order
21 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
22 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
23 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
24 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
25 of this provision. The board may take action when the time for appeal has elapsed, or the
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

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

8 9. Health and Safety Code section 11350, subdivision (a), states:

9 "Except as otherwise provided in this division, every person who possesses (1) any
10 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
11 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
12 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
13 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
14 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
15 licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of
16 Section 1170 of the Penal Code."

17

REGULATORY PROVISIONS.

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

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

25

COST RECOVERY

26 11. Section 125.3 states, in pertinent part, that the Board may request the administrative
27 law judge to direct a licentiate found to have committed a violation or violations of the licensing

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1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
2 case.

3 **CONTROLLED SUBSTANCES**

4 12. "Cocaine," is a Schedule II controlled substance as defined in Health and Safety
5 Code section 11055, subdivision (b)(6), and "Cocaine base" is a Schedule I controlled substance
6 as defined in Health and Safety Code section 11054, subdivision (f)(1). It is categorized as a
7 dangerous drug according to section 4022.

8 13. "Heroin," is a Schedule I controlled substance as defined in Health and Safety Code
9 section 11054, subdivision (c)(11), and is categorized as a dangerous drug pursuant to section
10 4022.

11 14. "Methamphetamine," is a Schedule II controlled substance as defined in Health and
12 Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug pursuant to
13 section 4022.

14 15. "Oxycodone," is a Schedule II controlled substance as defined in Health and Safety
15 Code section 11055, subdivision (b)(1)(M), and is categorized as a dangerous drug pursuant to
16 section 4022.

17 16. "Xanax," a brand name for Alprazolam, is a Schedule IV controlled substance as
18 defined in Health and Safety Code section 11057, subdivision (d)(1), and is categorized as a
19 dangerous drug pursuant to section 4022.

20 **FIRST CAUSE FOR DISCIPLINE**

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

22 17. Respondent is subject to disciplinary action under section 4301, subdivision (l), and
23 section 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
24 Respondent was convicted of a crime substantially related to the qualifications, functions, and
25 duties of a pharmacy technician, as follows:

26 a. On or about October 29, 2013, after pleading guilty, Respondent was convicted of
27 one felony count of violating Health and Safety Code section 11378 [possession of a controlled
28 substance for sale] and one felony count of violating section Health and Safety Code 11379,

1 subdivision (a) [sale/offer to sell/transportation of a controlled substance], in the criminal
2 proceeding entitled *The People of the State of California v. Patty Adriana Dribon* (Super. Ct. Los
3 Angeles County, 2013, No. BA417716). The Court sentenced Respondent to serve 270 days in
4 Los Angeles County Jail and placed her on formal probation for three (3) years.

5 b. The circumstances surrounding the conviction are that on or about October 23, 2013,
6 Los Angeles Police Department officers initiated a traffic stop and asked the driver and the
7 Respondent to exit the vehicle. During an interview with the Respondent, an officer observed a
8 plastic baggy in Respondent's boot. The officer retrieved the baggy and found a large amount of
9 a substance that appeared to be Methamphetamine. During a search of the vehicle, officers also
10 found a bag containing a large amount of Methamphetamine, cocaine, tar heroin, oxycodone and
11 a glass vial of yellow pills resembling Xanax, along with many empty baggies.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Possession of Controlled Substances)**

14 18. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and
15 (o), for violating section 4060 and Health and Safety Code section 11350, subdivision (a), in that
16 Respondent was found to be in illegal possession of controlled substances. Complainant refers to,
17 and by this reference incorporates, the allegations set forth above in paragraph 17, subparagraphs
18 (a) and (b) inclusive, as though set forth fully.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Violation of the Pharmacy Law)**

21 19. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
22 that Respondent violated provisions of the Pharmacy Law. Complainant refers to, and by this
23 reference incorporates, the allegations set forth above in paragraphs 17 and 18, inclusive, as
24 though set forth fully.

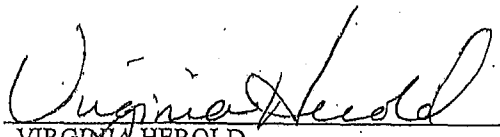
25 **PRAYER**

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

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1. Revoking or suspending Pharmacy Technician Registration No. TCH 124325, issued to Patty Adriana Dribon;
2. Ordering Patty Adriana Dribon 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: 6/9/14 

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

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