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

In the Matter of the Accusation Against:  
**MARY JO CORDILL**  
5906 W. Beech  
Visalia, CA 93277  
**Original Pharmacy Technician Registration  
No. TCH 74820**  
  
Respondent.

Case No. 5676  
OAH No. 5676  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 15, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5676 against Mary Jo Cordill (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about March 7, 2007, the Board of Pharmacy (Board) issued Original Pharmacy Technician Registration No. TCH 74820 to Respondent. The Original Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5676 and will expire on November 30, 2016, unless renewed.
3. On or about September 1, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5676, Statement to Respondent, Notice of Defense, Request

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

5 5906 W. Beech  
6 Visalia, CA 93277.

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 September 15, 2016, the aforementioned documents were returned by the  
11 U.S. Postal Service marked "Unable to Forward." The address on the documents was the same as  
12 the address on file with the Board. Respondent failed to maintain an updated address with the  
13 Board and the Board has made attempts to serve the Respondent at the address on file.  
14 Respondent has not made herself available for service and therefore, has not availed herself of her  
15 right to file a notice of defense and appear at hearing.

16 6. Government Code section 11506(c) states, in pertinent part:

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

22 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
23 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5676.

24 8. California Government Code section 11520(a) states, in pertinent part:

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

9. Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
2 file at the Board's offices regarding the allegations contained in Accusation No. 5676, finds that  
3 the charges and allegations in Accusation No. 5676, are separately and severally, found to be true  
4 and correct by clear and convincing evidence.

5 10. Taking official notice of its own internal records, pursuant to Business and  
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
7 and Enforcement is \$1,690.00 as of October 6, 2016.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Mary Jo Cordill has subjected  
10 her Original Pharmacy Technician Registration No. TCH 74820 to discipline.

11 2. The agency has jurisdiction to adjudicate this case by default.

12 3. The Board of Pharmacy is authorized to revoke Respondent's Original Pharmacy  
13 Technician Registration based upon the following violations alleged in the Accusation which are  
14 supported by the evidence contained in the Default Decision Evidence Packet in this case.:

15 a. Business and Professions Code section 4301(l) – Criminal Conviction

16 b. Business and Professions Code section 4301(j) – Violation of State Laws Regulating  
17 Controlled Substances

18 c. Business and Professions Code section 4301(h) – Use of Controlled Substances in a  
19 Dangerous or Injurious Manner

20 d. Business and Professions Code section 4301(o) – Violation of the Pharmacy Law  
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ORDER

IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 74820, heretofore issued to Respondent Mary Jo Cordill, is revoked.

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

This Decision shall become effective at 5:00 p.m. on December 2, 2016.

It is so ORDERED on November 2, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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

12458753.DOC  
DOJ Matter ID:SA2015105987

Attachment:  
Exhibit A: Accusation

# Exhibit A

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Accusation

(MARY JO CORDILL)

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KAREN R. DENVIR  
Deputy Attorney General  
4 State Bar No. 197268  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-0378  
Facsimile: (916) 327-8643  
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:  
12 **MARY JO CORDILL**  
5906 W. Beech  
13 Visalia, CA 93277  
14 **Original Pharmacy Technician Registration**  
15 **No. TCH 74820**  
16 Respondent.

Case No. 5676

**ACCUSATION**

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

- 19 1. Complainant brings this Accusation solely in her official capacity as the Executive  
20 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.  
21 2. On or about March 7, 2007, the Board issued Original Pharmacy Technician  
22 Registration Number TCH 74820 to Mary Jo Cordill ("Respondent"). The original pharmacy  
23 technician registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on November 30, 2016, unless renewed.

25 **JURISDICTION**

- 26 3. Business and Professions Code ("Code") section 4300 states, in pertinent part:  
27 (a) Every license issued may be suspended or revoked;

28 ///

1 (b) The board shall discipline the holder of any license issued by the board,  
2 whose default has been entered or whose case has been heard by the board and found  
3 guilty, by any of the following methods:

4 (1) Suspending judgment.

5 (2) Placing him or her upon probation.

6 (3) Suspending his or her right to practice for a period not exceeding one year.

7 (4) Revoking his or her license.

8 (5) Taking any other action in relation to disciplining him or her as the board in  
9 its discretion may deem proper . . .

10 4. Code section 4300.1 states:

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

#### 17 STATUTORY AND REGULATORY PROVISIONS

18 5. Code section 4301 states, in pertinent part:

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

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

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

(l) 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

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

9 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
10 abetting the violation of or conspiring to violate any provision or term of this chapter  
11 or of the applicable federal and state laws and regulations governing pharmacy,  
12 including regulations established by the board or by any other state or federal  
13 regulatory agency.

14 6. Code section 4060 states, in pertinent part:

15 No person shall possess any controlled substance, except that furnished to a  
16 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
17 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant  
18 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a  
19 nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to  
20 Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist  
21 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

23 7. Health and Safety Code section 11170 states, "No person shall prescribe, administer,  
24 or furnish a controlled substance for himself."

#### 25 COST RECOVERY

26 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
included in a stipulated settlement.

#### 29 DRUG

30 9. *Heroin* is a Schedule I controlled substance pursuant to Health and Safety Code  
31 section 11054(c).

32 11. *Methamphetamine* is a Schedule II controlled substance as designated by Health and  
33 Safety Code section 11055(d)(2).



1 **FIRST CAUSE FOR DISCIPLINE**

2 (Criminal Conviction)

3 10. Respondent is subject to disciplinary action pursuant to Code section 4301(i), on the  
4 grounds of unprofessional conduct, in that Respondent committed a crime substantially related to  
5 the qualifications, functions, and duties of a licensed pharmacy technician. Specifically, on or  
6 about May 29, 2015, in a criminal proceeding entitled *People v. Mary Jo Cordill*, Tulare County  
7 Superior Court, Case No. VCF293751, Respondent was convicted by the court on her plea of  
8 guilty to violating Health and Safety Code section 11350(a) (possession of a controlled  
9 substance), a felony, which was reduced to a misdemeanor. The circumstances of the crime are  
10 that on or about January 9, 2014, an officer with the Visalia Police Department spotted  
11 Respondent at an apartment complex that had a history of illicit drug activity. The officer  
12 questioned Respondent, who became extremely irate and swore and yelled at the officer. A  
13 substance that tested positive for heroin was found amongst items that Respondent claimed were  
14 hers.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Violation of State Laws Regulating Controlled Substances)

17 11. On or about December 28, 2012, an officer with the Visalia Police Department  
18 responded to a report of a domestic disturbance at Respondent's residence. The officer entered  
19 Respondent's home and observed that Respondent's three-year-old daughter was in the living  
20 room, which had broken glass on the floor. The officer found a pipe on a paper towel, both of  
21 which had a black residue. Respondent admitted to the officer that she smoked methamphetamine  
22 the prior evening.

23 12. On or about March 2, 2014, an officer with the Visalia Police Department responded  
24 to a report from "J.C.", who stated that Respondent, J.C.'s daughter, was violating the restraining  
25 order J.C. had against her. The officer found Respondent nearby, screaming loudly. Her pupils  
26 were dilated and her eyes were bloodshot and watery. Respondent admitted that she uses heroin  
27 and "meth", and stated that her neck and back had abscesses. Respondent randomly screamed that  
28

1 she was the mother of God and that her soul had been murdered. Respondent tested positive for  
2 methamphetamine and amphetamine.

3 13. Respondent is subject to disciplinary action pursuant to Code section 4301(j), on the  
4 grounds of unprofessional conduct, in that Respondent violated statutes regulating controlled  
5 substances and dangerous drugs, as follows:

6 a. Health & Safety Code section 11350 and Code section 4060: On or about  
7 January 9, 2014, Respondent possessed heroin, a controlled substance.

8 b. Health and Safety Code Section 11550: On or about December 27, 2012, and  
9 March 2, 2014, Respondent unlawfully self-administered methamphetamine, a controlled  
10 substance.

11 **THIRD CAUSE FOR DISCIPLINE**

12 (Use of Controlled Substances in a Dangerous or Injurious Manner)

13 14. Respondent is subject to disciplinary action pursuant to Code section 4301(h), in that  
14 on or about December 27, 2012, and March 2, 2014, Respondent used methamphetamine in a  
15 manner dangerous or injurious to herself and others, as set forth in paragraphs 11 and 12, above.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 (Violation of the Pharmacy Law)

18 15. Respondent is subject to disciplinary action pursuant to Code section 4301(o), for  
19 unprofessional conduct, in that Respondent violated laws governing pharmacy, as set forth in  
20 paragraphs 10 through 14, above.

21 **PRAAYER**

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 74820,  
25 issued to Mary Jo Cordill;

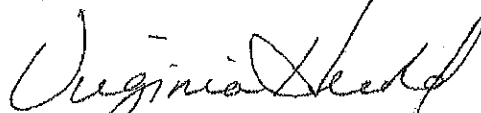
26 2. Ordering Mary Jo Cordill to pay the Board of Pharmacy the reasonable costs of the  
27 investigation and enforcement of this case, pursuant to Business and Professions Code section  
28 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED:

8/15/16



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

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