

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

In the Matter of the Accusation Against:

**TIFFANY DAWN MCGUIRE**

66 Martinique Court  
Stockton, CA 95210

Pharmacy Technician Registration No.  
TCH 132252

Respondent.

Case No. 5848

**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 at 5:00 p.m. on February 12, 2020.

It is so ORDERED on January 13, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 MALISSA N. SIEMANTEL  
Deputy Attorney General  
4 State Bar No. 240157  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7555  
Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5848

13 **TIFFANY DAWN MCGUIRE**  
**aka TIFFANY DAWN CRAFT**  
14 **66 Martinique Court**  
**Stockton, CA 95210**

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No.**  
16 **TCH 132252**

17 Respondent.

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren ("Complainant") is the Interim Executive Officer of the Board of  
23 Pharmacy ("Board"). She brought this action solely in her official capacity and is represented in  
24 this matter by Xavier Becerra, Attorney General of the State of California, by Malissa N.  
25 Siemantel, Deputy Attorney General.

26 2. Tiffany Dawn McGuire, also known as Tiffany Dawn Craft ("Respondent") is  
27 representing herself in this proceeding and has chosen not to exercise her right to be represented  
28 by counsel.

1           3.     On or about March 29, 2013, the Board issued Pharmacy Technician Registration No.  
2 TCH 132252 to Respondent. The Pharmacy Technician Registration expired on May 31, 2015,  
3 and has not been renewed.

4                                   **JURISDICTION**

5           4.     Accusation No. 5848 was filed before the Board, and is currently pending against  
6 Respondent. The Accusation and all other statutorily required documents were properly served  
7 on Respondent on November 5, 2019. Respondent timely filed her Notice of Defense contesting  
8 the Accusation. A copy of Accusation No. 5848 is attached as Exhibit A and incorporated by  
9 reference.

10                               **ADVISEMENT AND WAIVERS**

11          5.     Respondent has carefully read, and understands the charges and allegations in  
12 Accusation No. 5848. Respondent also has carefully read, and understands the effects of this  
13 Stipulated Surrender of License and 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 admits the truth of each and every charge and allegation in Accusation  
25 No. 5848, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician  
26 Registration No. TCH 132252 for the Board's formal acceptance.

27     ///

28     ///

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

## CONTINGENCY

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

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

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

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

## ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 132252, issued to Respondent Tiffany Dawn McGuire, is surrendered and accepted by the Board.

///

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.

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

9           4.     If she ever applies for licensure or petitions for reinstatement in the State of  
10 California, the Board shall treat it as a new application for licensure. Respondent must comply  
11 with all the laws, regulations and procedures for licensure in effect at the time the application or  
12 petition is filed, and all of the charges and allegations contained in Accusation No. 5848 shall be  
13 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
14 grant or deny the application or petition.

15          5.     Respondent shall pay the agency its costs of investigation and enforcement in the  
16 amount of \$10,282.50 prior to issuance of a new or reinstated license.

17          6.     If Respondent should ever apply or reapply for a new license or certification, or  
18 petition for reinstatement of a license, by any other health care licensing agency in the State of  
19 California, all of the charges and allegations contained in Accusation, No. 5848 shall be deemed  
20 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
21 other proceeding seeking to deny or restrict licensure.

22          7.     Respondent shall not apply for licensure or petition for reinstatement for three (3)  
23 years from the effective date of the Decision and Order.

24 ///

25 ///

26 ///

27 ///

28 ///

1 ACCEPTANCE

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
5 be bound by the Decision and Order of the Board of Pharmacy.

6  
7 DATED:

Dec 4, 2019

Tiffany Dawn McGuire  
TIFFANY DAWN MCGUIRE  
Respondent

8  
9  
10 ENDORSEMENT

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

13 DATED:

Respectfully submitted,

14 XAVIER BECERRA  
Attorney General of California  
15 DAVID E. BRICE  
Supervising Deputy Attorney General  
16

17  
18 MALISSA N. SIEMANTEL  
Deputy Attorney General  
19 Attorneys for Complainant  
20

21 SA2016102303  
22 14287125.docx  
23  
24  
25  
26  
27  
28

1 **ACCEPTANCE**

2 I have carefully read the Stipulated Surrender of License and Order. I understand the  
3 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this  
4 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to  
5 be bound by the Decision and Order of the Board of Pharmacy.

6  
7 DATED: \_\_\_\_\_

8 TIFFANY DAWN MCGUIRE  
9 *Respondent*

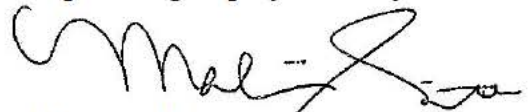
10 **ENDORSEMENT**

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

13 DATED: December 12, 2019

Respectfully submitted,

14 XAVIER BECERRA  
15 Attorney General of California  
16 DAVID E. BRICE  
17 Supervising Deputy Attorney General

18 

19 MALISSA N. SIEMANTEL  
20 Deputy Attorney General  
21 *Attorneys for Complainant*

22 SA2016102303  
23 14287125.docx  
24  
25  
26  
27  
28

**Exhibit A**

**Accusation No. 5848**



1 XAVIER BECERRA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 MALISSA N. SIEMANTEL  
Deputy Attorney General  
4 State Bar No. 240157  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7555  
Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5848

13 **TIFFANY DAWN MCGUIRE**  
14 **aka TIFFANY DAWN CRAFT**  
15 **66 Martinique Court**  
**Stockton, CA 95210**

**ACCUSATION**

16 **Pharmacy Technician Registration No.**  
17 **TCH 132252**

Respondent.

18  
19  
20 **PARTIES**

21 1. Anne Sodergren ("Complainant") brings this Accusation solely in her official  
22 capacity as the Interim Executive Officer of the Board of Pharmacy ("Board"), Department of  
23 Consumer Affairs.

24 2. On or about May 29, 2013, the Board issued Pharmacy Technician Registration  
25 Number TCH 132252 to Tiffany Dawn McGuire ("Respondent"), also known as Tiffany Dawn  
26 Craft. The Pharmacy Technician Registration expired on May 31, 2015, and has not been  
27 renewed.

28 ///

## **JURISDICTION**

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

4. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Code section 4300 states, in pertinent part:

(a) Every license issued may be suspended or revoked.

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

...

## **STATUTORY PROVISIONS**

6. Code section 4301 states, in pertinent part:

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

...

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

...

///

(f) 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 chapter. 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. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

7. Section 490 of the Code states:

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

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

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

(d) The Legislature hereby finds and declares that the application of this section has been made unclear by the holding in *Petropoulos v. Department of Real Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant number of statutes and regulations in question, resulting in potential harm to the consumers of California from licensees who have been convicted of crimes. Therefore, the Legislature finds and declares that this section establishes an independent basis for a board to impose discipline upon a licensee, and that the amendments to this section made by Chapter 33 of the Statutes of 2008 do not constitute a change to, but rather are declaratory of, existing law.

///

1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of a Crime)**

8 9. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in  
9 that on or about September 6, 2019, in the case of *People v. Tiffany Dawn McGuire, aka Tiffany*  
10 *Dawn Craft* (Super. Ct. Stanislaus County, Case No. 1488916), Respondent was convicted on her  
11 plea of no contest to violations of two counts of Penal Code section 311.4, subdivision (c), (use of  
12 a minor for posing or modeling involving sexual conduct), one count of Penal Code section  
13 311.11, subdivision (a), (preparing or possessing an image of a minor engaged in sexual conduct),  
14 one count of Penal Code section 288, subdivision (a), (lewd act upon a child under the age of  
15 fourteen years), and one count of Penal Code section 288.5, subdivision (a), all felonies.  
16 Respondent was sentenced to 20 years in state prison. The circumstances of the crimes are as  
17 follows: On or about and between December 12, 2011, and September 23, 2014, Respondent  
18 used her minor son, who was six (6) years of age, for pictures involving sexual conduct. On or  
19 about and between April 23, 2012, and May 23, 2015, Respondent used her infant daughter, who  
20 was between the ages of one (1) day old and seven (7) months old, for pictures involving sexual  
21 conduct. On or about June 16, 2015, Respondent prepared or possessed images of her son and  
22 daughter engaged in sexual conduct. On or about and between December 4, 2010, and December  
23 3, 2013, Respondent sexually assaulted her son when he was between four (4) years old and six  
24 (6) years old. On or about and between April 23, 2012, and April 22, 2013, Respondent  
25 continuously sexually assaulted her daughter when she was under one (1) year old. The crimes  
26 are substantially related to the qualifications, functions, or duties of a licensee.

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Commission of Acts Involving Moral Turpitude or Corruption)**

3 10. Respondent is subject to disciplinary action for unprofessional conduct under Code  
4 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,  
5 dishonesty, fraud, deceit, or corruption, as set forth above in paragraph 9.

6 **PRAYER**

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

9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 132252,  
10 issued to Tiffany Dawn McGuire, also known as Tiffany Dawn Craft;

11 2. Ordering Tiffany Dawn McGuire, also known as Tiffany Dawn Craft, to pay the  
12 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
13 pursuant to Business and Professions Code section 125.3; and,

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

15  
16  
17 DATED: October 31, 2019



18 ANNE SODERGREN  
19 Interim Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 *Complainant*

24  
25  
26  
27  
28  
SA2016102303  
14224731.docx