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

In the Matter of the Accusation Against:

**CRYSTAL MARIE GONZALEZ
12809 Dunton Dr.
Whittier, CA 90602**

**Pharmacy Technician Registration No. TCH
128520**

Respondent.

Case No. 6911

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 26, 2020, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6911 against Crystal Marie Gonzalez (Respondent) before the Board of Pharmacy. (Accusation attached as exhibit A.)
2. On or about December 6, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 128520 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6911 and will expire on December 31, 2020, unless renewed.

1 3. On or about February 26, 2020, Respondent was served by Certified and First Class
2 Mail copies of Accusation No. 6911, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and discovery statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was and
6 is:

7 12809 Dunton Dr.
8 Whittier, CA 90602.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c), and/or Business and Professions Code section
11 124.

12 5. Government Code section 11506, subdivision (c), states, in pertinent part:

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

18 6. The Board takes official notice of its records and the fact that Respondent failed to
19 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
20 waived her right to a hearing on the merits of Accusation No. 6911.

21 7. California Government Code section 11520, subdivision (a), states, in pertinent part:

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

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation No. 6911,

1 finds that the charges and allegations in Accusation No. 6911, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 9. The Board finds that the actual costs for investigation and enforcement are \$1,195 as
4 of April 23, 2020.

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Crystal Marie Gonzalez has
7 subjected her Pharmacy Technician Registration No. TCH 128520 to discipline.

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

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

12 a. Conviction of a substantially related crime. (Bus. & Prof. Code, §§ 490 & 4301, subd.
13 (l); Cal. Code Regs., tit. 16, § 1770.)

14 b. Self-administration of a controlled substance, to wit, methamphetamine. (Bus. &
15 Prof. Code, § 4301, subd. (h).)

16 c. Violation of State drug laws, to wit, Business and Professions Code section 4060, and
17 Health and Safety Code sections 11170 and 11378. (Bus. & Prof. Code, § 4301, subd. (j).)

18 d. Commission of an act involving moral turpitude. (Bus. & Prof. Code, § 4301, subd.
19 (f).)

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 128520, issued to Respondent Crystal Marie Gonzalez, is revoked.

IT IS FURTHER ORDERED that, pursuant to section 4307 of the Code, Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee until such time as Pharmacy Technician Registration No. TCH 128520 is reinstated.

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 August 26, 2020.

It is so ORDERED on July 27, 2020.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

By



Greg Lippe
Board President

34017381.DOCX
DOJ Matter ID: LA2020500990

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MATTHEW A. KING
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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. 6911

13 **CRYSTAL MARIE GONZALEZ**
12809 Dunton Dr.
14 Whittier, CA 90602

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 128520**

Respondent.

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19 **PARTIES**

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

22 2. On or about December 6, 2012, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 128520 to Crystal Marie Gonzalez (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2020, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 118 of the Code states, in pertinent part:

6 (b) The suspension, expiration, or forfeiture by operation of law of a license
7 issued by a board in the department, or its suspension, forfeiture, or cancellation by
8 order of the board or by order of a court of law, or its surrender without the written
9 consent of the board, shall not, during any period in which it may be renewed,
10 restored, reissued, or reinstated, deprive the board of its authority to institute or
11 continue a disciplinary proceeding against the licensee upon any ground provided by
12 law or to enter an order suspending or revoking the license or otherwise taking
13 disciplinary action against the licensee on any such ground.

14 5. Section 4300.1 of the Code states:

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

21 **STATUTORY PROVISIONS**

22 4. Section 490 of the Code states in pertinent part:

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

27 5. Section 4022 of the Code states:

28 'Dangerous drug' or 'dangerous device' means any drug or device unsafe for
self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing
without prescription,' 'Rx only,' or words of similar import.

(b) Any device that bears the statement: 'Caution: federal law restricts this
device to sale by or on the order of a _____,' 'Rx only,' or words of similar
import, the blank to be filled in with the designation of the practitioner licensed to
use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully
dispensed only on prescription or furnished pursuant to Section 4006.

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6. Section 4059 of the Code states in pertinent part:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

7. Section 4060 of the Code states:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer.

8. Section 4300 of the Code states, in pertinent part, that “[e]very license issued may be suspended or revoked.”

9. Section 4301 of the Code states:

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.

...

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

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2 (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.

3 ...

4 (l) The conviction of a crime substantially related to the qualifications,
5 functions, and duties of a licensee under this chapter. The record of conviction of a
6 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
7 States Code regulating controlled substances or of a violation of the statutes of this
8 state regulating controlled substances or dangerous drugs shall be conclusive
9 evidence of unprofessional conduct. In all other cases, the record of conviction shall
10 be conclusive evidence only of the fact that the conviction occurred. The board may
11 inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline or, in the case of a conviction not involving controlled
13 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.

14 10. Section 4307 of the Code states, in pertinent part:

15 (a) Any person who has been denied a license or whose license has been
16 revoked or is under suspension, or who has failed to renew his or her license while it
17 was under suspension, or who has been a manager, administrator, owner, member,
18 officer, director, associate, partner, or any other person with management or control
19 of any partnership, corporation, trust, firm, or association whose application for a
20 license has been denied or revoked, is under suspension or has been placed on
21 probation, and while acting as the manager, administrator, owner, member, officer,
director, associate, partner, or any other person with management or control had
knowledge of or knowingly participated in any conduct for which the license was
denied, revoked, suspended, or placed on probation, shall be prohibited from serving
as a manager, administrator, owner, member, officer, director, associate, partner, or
in any other position with management or control of a licensee as follows:

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

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

26
27 11. Health and Safety Code section 11170 states “[n]o person shall prescribe, administer,
28 or furnish a controlled substance for himself.

1 **REGULATORY PROVISIONS**

2 12. California Code of Regulations, title 16, section 1770 states:

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

8 **COST RECOVERY**

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

13 **DEFINITIONS**

14 14. Methamphetamine is a dangerous drug and Schedule II controlled substance. (Bus. &
15 Prof. Code, § 4022; Health & Saf. Code, § 11055, subd. (d)(2)).)

16 **FACTUAL ALLEGATIONS**

17 15. On or about November 21, 2019, Los Angeles Police Department (LAPD) officers
18 searched Respondent and her apartment pursuant to a search warrant. Respondent told police that
19 she had “some narcotics” in her dresser drawer inside a black pouch.

20 16. LAPD officers found the following items in Respondent’s bedroom: 1) a clear plastic
21 bag containing a white crystalline substance resembling methamphetamine, recovered from a
22 dresser drawer; 2) a plastic Tupperware container containing a white crystalline substance
23 resembling methamphetamine, located next to the dresser; 3) a digital scale with batteries that
24 contained residue of a white crystalline substance resembling methamphetamine, found in the
25 dresser drawer; 4) a glass pipe with a bulbous end that contained white burnt residue resembling
26 methamphetamine, found in a sandwich bag next to Respondent’s bed; and 5) a piece of paper
27 containing drug prices by weight, found in the area of Respondent’s nightstand.

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THIRD CAUSE FOR DISCIPLINE

(Violation of State Drug Laws)

22. Respondent is subject to disciplinary action under Code section 4301, subdivision (j), for unprofessional conduct in that she violated the following state laws regulating controlled substances and dangerous drugs. Complainant realleges paragraphs 14 through 19.

23. **Code section 4060:** Respondent violated Code section 4060 in that she possessed a controlled substance that was not furnished upon the prescription of a physician.

24. **Health and Safety Code section 11170:** Respondent violated Health and Safety Code section 11170 in that she administered to herself a controlled substance, to wit, methamphetamine.

25. **Health and Safety Code section 11378:** Respondent violated Health and Safety Code section 11378 in that she possessed for sale a controlled substance, to wit, methamphetamine.

FOURTH CAUSE FOR DISCIPLINE

(Commission of an Act Involving Moral Turpitude)

26. Respondent is subject to disciplinary action under Code section 4301, subdivision (f), for unprofessional conduct in that she committed an act involving moral turpitude. Complainant realleges paragraphs 14 through 19.

OTHER MATTERS

27. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy Technician Registration No. TCH 128520, issued to Respondent, then she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1) a period not to exceed five years if the registration is placed on probation; or, 2) if the registration is revoked, the prohibition shall continue until the registration is reinstated.

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PRAYER

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

- 1. Revoking or suspending Pharmacy Technician Registration Number TCH 128520, issued to Crystal Marie Gonzalez;
- 2. Prohibiting Crystal Marie Gonzalez from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for a period not to exceed five years if Pharmacy Technician Registration No. TCH 128520 is placed on probation, or, if the registration is revoked, the prohibition shall continue until the registration is reinstated;
- 3. Ordering Crystal Marie Gonzalez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 4. Taking such other and further action as deemed necessary and proper.

DATED: February 26, 2020



ANNE SODERGREN
 Executive Officer
 Board of Pharmacy
 Department of Consumer Affairs
 State of California
Complainant

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54124671