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

In the Matter of the Accusation Against:

**CRYSTAL LYNN MIDDLEBROOKS
PO Box 9764
Bakersfield, CA 93389-9754**

**Pharmacy Technician License No. TCH
87514**

Respondent.

Case No. 7833

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 28, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7833 against Crystal Lynn Middlebrooks (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about December 19, 2008, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 87514 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7833 and will expire on October 31, 2024, unless renewed.

1 3. On or about August 8, 2024, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7833, 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
6 and is: PO Box 9764, Bakersfield, CA 93389-9754.

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

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

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
17 waived her right to a hearing on the merits of Accusation No. 7833.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 finds that the charges and allegations in Accusation No. 7833, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$2,075.75
as of September 17, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Crystal Lynn Middlebrooks has
3 subjected her Pharmacy Technician License No. TCH 87514 to discipline.

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

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

8 a. Business and Professions Code sections 490 and 4301(I), in conjunction with
9 California Code of Regulations, title 16, section 1770(a) [Criminal conviction for violation of
10 Penal Code section 278.5(a) (child stealing, conceal in violation of custody order)].

11 **ORDER**

12 IT IS SO ORDERED that Pharmacy Technician License No. TCH 87514, issued to
13 Respondent Crystal Lynn Middlebrooks, is revoked.

14 IT IS ALSO SO ORDERED that pursuant to Code section 4307, Respondent Crystal Lynn
15 Middlebrooks shall be prohibited from serving as a manager, administrator, owner, member,
16 officer, director, associate, or partner of a licensee for five years.

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

21 This Decision shall become effective at 5:00 p.m. on December 12, 2024.

22 It is so ORDERED on November 12, 2024.

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

25
26 By



Seung W. Oh, Pharm.D.
Board President

67092154.DOCX
DOJ Matter ID:LA2024602488

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
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E-mail: Armando.Zambrano@doj.ca.gov
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. 7833

13 **CRYSTAL LYNN MIDDLEBROOKS**
PO Box 9764
14 Bakersfield, CA 93389-9754

ACCUSATION

15 **Pharmacy Technician License No.**
TCH 87514

16 Respondent.
17

18
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 (Board), Department of Consumer Affairs.

22 2. On or about December 19, 2008, the Board issued Pharmacy Technician License
23 Number TCH 87514 to Crystal Lynn Middlebrooks (Respondent). The Pharmacy Technician
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2024, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the
6 Board is subject to discipline including suspension or revocation.

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
14 revoke a license on the ground that the licensee has been convicted of a crime substantially
15 related to the qualifications, functions, or duties of the business or profession for which the
16 license was issued.

17 7. Section 4301 of the Code states, in pertinent part:

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

20 . . .

21 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
22 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.

23 . . .

24 (l) The conviction of a crime substantially related to the qualifications,
25 functions, and duties of a licensee under this chapter. The record of conviction of a
26 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
27 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
28 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

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

11 ...

12 8. Section 4307 of the Code states:

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

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

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

(b) "Manager, administrator, owner, member, officer, director, associate,
partner, or any other person with management or control of a license" as used in this
section and Section 4308, may refer to a pharmacist or to any other person who serves
in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed
pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. However, no order may be issued in that case except as to a
person who is named in the caption, as to whom the pleading alleges the applicability
of this section, and where the person has been given notice of the proceeding as
required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. The authority to proceed as provided by this subdivision shall
be in addition to the board's authority to proceed under Section 4339 or any other
provision of law.

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1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1770(a) states:

3 For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
5 Business and Professions Code, a crime, professional misconduct, or act shall be
6 considered substantially related to the qualifications, functions or duties of the
7 practice, profession, or occupation that may be performed under the license type
8 sought or held if to a substantial degree it evidences present or potential unfitness of
9 an applicant or licensee to perform the functions authorized by the license in a
10 manner consistent with the public health, safety, or welfare.

8 **COST RECOVERY**

9 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14 included in a stipulated settlement.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(December 7, 2023 Criminal Conviction - Child Stealing, Conceal In Violation of Custody**
17 **Order between May 23, 2023 and August 23, 2023)**

18 11. Respondent is subject to disciplinary action under Code sections 490 and 4301(I), in
19 conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about
20 December 7, 2023, in a criminal proceeding entitled *The People of the State of California vs.*
21 *Crystal Lynn Middlebrooks*, in Superior Court of California, County of Kern, Case No.
22 BF196000A, Respondent pled no contest and was convicted of violating Penal Code section
23 278.5(a) (child stealing, conceal in violation of custody order), a felony. The sentencing hearing
24 is pending.

25 The circumstances surrounding the conviction are that in March 2023, Respondent took her
26 children, ages 3 and 11, to Arlington, Texas and did not return. On or about May 23, 2023, a
27 Kern County Superior Court Judge awarded the children’s father temporary emergency custody
28 with no visitation to Respondent. On or about August 2, 2023, a Kern County Superior Court

1 Judge awarded the children’s father sole legal and physical custody of the children and ordered
2 Respondent to return the children to the Bakersfield Police Department in California on August 9,
3 2023 at 12:00 p.m. Respondent failed to return the children as ordered. On or about August 11,
4 2023, a Kern County Superior Court Judge issued an order that gave the children’s father
5 permanent custody with no visitation privileges to the Respondent.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Acts Involving Moral Turpitude, Dishonesty, Fraud Deceit or Corruption)**

8 12. Respondent is subject to disciplinary action under Code section 4301(f), in that
9 Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as
10 alleged above in paragraph 11.

11 **OTHER MATTERS**

12 13. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
13 License Number TCH 87514 issued to Crystal Lynn Middlebrooks, Crystal Lynn Middlebrooks
14 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
15 associate, or partner of a licensee for five years if Pharmacy Technician License Number TCH
16 87514 is placed on probation or until Pharmacy Technician License Number TCH 87514 is
17 reinstated if it is revoked.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician License Number TCH 87514, issued
22 to Crystal Lynn Middlebrooks;

23 2. Prohibiting Crystal Lynn Middlebrooks from serving as a manager, administrator,
24 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
25 Technician License Number TCH 87514 is placed on probation or until Pharmacy Technician
26 License Number TCH 87514 is reinstated if Pharmacy Technician License Number TCH 87514
27 issued to Crystal Lynn Middlebrooks is revoked;

28 ///

1 3. Ordering Crystal Lynn Middlebrooks to pay the Board of Pharmacy the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

4 4. Taking such other and further action as deemed necessary and proper.
5

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7 DATED: 7/28/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.07.28 13:39:55
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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