

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

In the Matter of the Accusation Against:

**MINDY NACOLE CEJA
1833 E. Ruddock Ct.
Covina, CA 91724**

**Pharmacy Technician Registration No. TCH
127720**

Respondent.

Case No. 5959

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 May 31, 2018.

It is so ORDERED on May 1, 2018.

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



By

Amy Gutierrez, Pharm.D.
Board President

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

10 In the Matter of the Accusation Against:

Case No. 5959

11 **MINDY NACOLE CEJA**
12 **1833 E. Ruddock Ct.**
13 **Covina, CA 91724**

STIPULATED SURRENDER OF
LICENSE AND ORDER

14 **Pharmacy Technician Registration No. TCH**
127720

15 Respondent.

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

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
21 (Board). She brought this action solely in her official capacity and is represented in this matter by
22 Xavier Becerra, Attorney General of the State of California, by Morgan Malek, Deputy Attorney
23 General.

24 2. Mindy Nacole Ceja (Respondent) is representing herself in this proceeding and has
25 chosen not to exercise her right to be represented by counsel.

26 3. On or about November 6, 2012, the Board issued Pharmacy Technician Registration
27 No. TCH 127720 to the Respondent. The Pharmacy Technician Registration was in full force and
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1 effect at all times relevant to the charges brought in Accusation No. 5959 and will expire on
2 August 31, 2018, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 5959 was filed before the Board, and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on March 17, 2017. Respondent timely filed her Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 5959 is attached as Exhibit A and incorporated by
8 reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 5959. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of her legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 her own expense; the right to confront and cross-examine the witnesses against her; the right to
16 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
17 compel the attendance of witnesses and the production of documents; the right to reconsideration
18 and court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 5959, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
25 Registration No. TCH 127720 for the Board's formal acceptance.

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

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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 Portable Document Format (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 127720, issued to Respondent Mindy Nacole Ceja, is surrendered and accepted by the Board of Pharmacy.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Pharmacy.

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2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 5959 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall not apply for licensure or petition for reinstatement for three years from the effective date of the Board's Decision and Order.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,133.00 prior to issuance of a new or reinstated license.

7. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 5959 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

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

DATED: 3/1/18 

MINDY NACOLE CEJA
Respondent

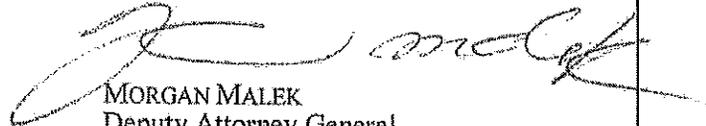
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ENDORSEMENT

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

Dated: 3/1/18

Respectfully submitted,
XAVIER BECERRA
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General


MORGAN MALEK
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5959

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Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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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:

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12 **MINDY NACOLE CEJA**
1833 E. Ruddock Ct.
13 Covina, CA 91724

A C C U S A T I O N

14 Pharmacy Technician Registration No.
15 TCH 127720

Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold ("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 November 6, 2012, the Board issued Pharmacy Technician Registration
23 No. TCH 127720 to Mindy Nacole Ceja ("Respondent"). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 August 31, 2018, unless renewed.

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1 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
2 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
3 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
4 shall not apply to the possession of any controlled substance by a manufacturer,
5 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
6 veterinarian, naturopathic doctor, certified nurse midwife, nurse practitioner, or
7 physician assistant, when in stock in containers correctly labeled with the name and
8 address of the supplier or producer.

9 Nothing in this section authorizes a certified nurse midwife, a nurse practitioner,
10 a physician assistant, or a naturopathic doctor, to order his or her own stock of
11 dangerous drugs and devices.

12 9. Section 4301 of the Code states, in pertinent part:

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

16

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

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

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27 (j) The violation of any of the statutes of this state, or any other state, or of
28 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
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

1 conviction has been affirmed on appeal or when an order granting probation is made
2 suspending the imposition of sentence, irrespective of a subsequent order under
3 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.

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

8 10. California Health and Safety Code section 11170 states, “[n]o person shall prescribe,
9 administer, or furnish a controlled substance for himself.”

10 11. California Health and Safety Code section 11171 states, “[n]o person shall prescribe,
11 administer, or furnish a controlled substance except under the conditions and in the manner
12 provided by this division.”

13 12. California Health and Safety Code section 11350 states, in pertinent part:

14 (a) Except as otherwise provided in this division, every person who possesses
15 (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of
16 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
17 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
18 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the
written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of
Section 1170 of the Penal Code. . . .

19 REGULATORY PROVISION

20 13. Title 21 of the United States Code, section 829, subdivision (b), states, in pertinent
21 part, “Schedule III and IV substances. Except when dispensed directly by a practitioner, other
22 than a pharmacist, to an ultimate user, no controlled substance in schedule III or IV, which is a
23 prescription drug as determined under the Federal Food, Drug, and Cosmetic Act [21 USCS §§
24 301 et seq.], may be dispensed without a written or oral prescription in conformity with section
25 503(b) of that Act [21 USCS § 353(b)]. Such prescriptions may not be filled or refilled more than
26 six months after the date thereof or be refilled more than five times after the date of the
27 prescription unless renewed by the practitioner. . . .”

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1 COST RECOVERY

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

6 CONTROLLED SUBSTANCE / DANGEROUS DRUG

7 15. Phentermine, a stimulant, with brand names of Adipex-P and Ionamin, is a Schedule
8 IV controlled substance pursuant to the Health and Safety Code section 11057, subdivision (f)(4),
9 and a dangerous drug Pursuant to Code section 4022.

10 FIRST CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct - Commission of Acts Involving Moral Turpitude, Dishonesty,
12 Fraud, Deceit, or Corruption)

13 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
14 by and through Code section 4060, in that Respondent committed acts involving moral turpitude,
15 dishonesty, fraud, deceit, or corruption. The circumstances are as follows:

16 17. On or about December 3, 2015, a CVS located in Studio City notified the Board that
17 Respondent was terminated from employment due to pilferage of a controlled substance and
18 reported loses of 71 phentermine 37.5mg tablets and 20 phentermine 15mg tablets for the time
19 period of May 1, 2015 through November 5, 2015. On or about November 5, 2015, Respondent
20 admitted, in a signed statement, to diverting one phentermine 37.5mg tablet for personal use
21 while filling a prescription for a customer. Respondent stated that she stole a tablet because she
22 was struggling with weight since having a baby.

23 SECOND CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct - Administering to Oneself and/or Use Controlled Substance)

25 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
26 in that Respondent administered to herself controlled substances or dangerous drugs to the extent
27 or in a manner as to be dangerous or injuries to herself, any person of the public, or to the extent
28 that the use impaired her ability to conduct with safety to the public the practice authorized by her

1 license. The facts and circumstances are described with more particularity in paragraph 17,
2 above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct - Violation of Statutes of This State and the United States**
5 **Regulating Controlled Substances and Dangerous Drugs)**

6 19. Respondent is subject to disciplinary action under section 4301(j) of the Code, by and
7 through section 4060 of the Code, sections 11170, 11171, and 11350 of the Health and Safety
8 Code, and section 829, subdivision (b), of Title 21 of the United States Code, in that Respondent
9 violated the statutes of this state and the United States regulating controlled substances and
10 dangerous drugs. The facts and circumstances are described with more particularity in paragraph
11 17, above.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Unprofessional Conduct - Violating or Attempting to Violate Any Provision or Term of**
14 **This Chapter or of the Applicable Federal and State Laws and Regulations Governing**
15 **Pharmacy)**

16 20. Respondent is subject to disciplinary action under section 4301(o) of the Code, by
17 and through section 4060 of the Code, sections 11170, 11171, and 11350 of the Health and Safety
18 Code, and section 829, subdivision (b), of Title 21 of the United States Code, in that Respondent
19 violated or attempted to violate the provisions of the terms of this chapter and the applicable
20 federal and state laws and regulations governing pharmacy. The facts and circumstances are
21 described with more particularity in paragraph 17, above.

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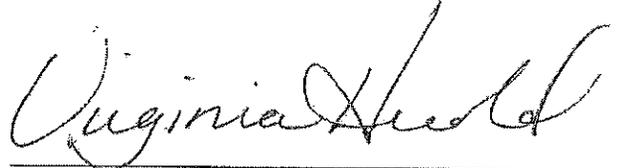
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PRAYER

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 No. TCH 127720, issued to Mindy Nacole Ceja
2. Ordering Mindy Nacole Ceja 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,
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/7/17



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

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