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

12 In the Matter of the Accusation Against:

Case No. 3708

13 **SHANNON MICHELE THOMPSON**
3469 Spenceville Rd.
Wheatland, California 95692

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH 47914**

15 Respondent.

16
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 August 22, 2003, the Board issued Pharmacy Technician Registration
22 Number TCH 47914 ("Registration") to Shannon Michele Thompson ("Respondent"). The
23 registration was in full force and effect at all times relevant to the charges brought herein and will
24 expire on January 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 4202(d), states that the Board may
27 suspend or revoke a registration issued pursuant to this section on any ground specified in Code
28 section 4301.

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4. 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 an 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.

....

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

STATUTORY PROVISIONS

5. 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, 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.

....

(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

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

6 **COST RECOVERY**

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

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Conviction of Crimes)**

13 7. Respondent is subject to discipline under Code section 4301(l), on the grounds of
14 unprofessional conduct, in that she was convicted of the following crimes that are substantially
15 related to the qualifications, functions or duties of a pharmacy technician:

16 a. On or about September 27, 2004, in the case of *People v. Shannon Michele Thompson*,
17 (Super. Kern County, 2004, Case No. MM048167A), Respondent was convicted by the Court on
18 her plea of nolo contendere of violating Penal Code section 243(a) (battery), a misdemeanor. The
19 circumstances of the crime were that on or about July 11, 2004, Respondent struck a woman, L.J.,
20 in the face with a balled fist, and then kned her in the face. L.J. fell to the ground, and
21 Respondent left the scene.

22 b. On or about December 6, 2006, in the case of *People v. Shannon Michele Thompson*,
23 (Super. Ct. Kern County, 2006, Case No. MM056618A), Respondent was convicted by the Court
24 on her plea of nolo contendere of violating Vehicle Code section 10851(a) (took a vehicle without
25 the owners consent), and Penal Code section 243(a) (battery), misdemeanors. The circumstances
26 of the crime were that on or about December 1, 2006, Respondent took P.H.'s vehicle without his
27 consent, and then drove the vehicle straight toward him, striking him, and throwing him up on top
28 of the hood of the vehicle.

1 c. On or about March 11, 2008, in the case of *People v. Shannon Michele Thompson*,
2 (Super. Ct. Yuba County, 2008, Case No. CR-M-07-0001221), Respondent was convicted by the
3 Court on her plea of no contest of violating Health and Safety Code section 11357(b) (possessed
4 Marijuana in an amount not exceeding one ounce), an infraction.

5 d. On or about May 5, 2009, in the case of *People v. Shannon Michele Thompson*, (Super.
6 Ct. Yuba County, 2008, Case No. TR-08-01066), Respondent was convicted by the Court on her
7 plea of nolo contendere of violating Vehicle Code section 14601.1(a) (drove a vehicle without a
8 valid license), a misdemeanor.

9 **SECOND CAUSE FOR DISCIPLINE**

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

11 8. Respondent is subject to discipline under Code section 4301(f), on the grounds of
12 unprofessional conduct, in that while a licensed Pharmacy Technician, Respondent did acts
13 involving moral turpitude, dishonesty, fraud, deceit, or corruption, in that on or about
14 December 1, 2006, Respondent took a vehicle without the owner's consent, as more particularly
15 set forth above in paragraph 7(b).

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 47914,
20 issued to Shannon Michele Thompson;

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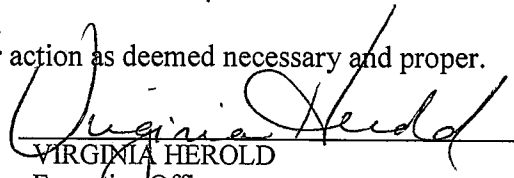
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2. Ordering Shannon Michele Thompson to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 1/6/11



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

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