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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. 5944

13 **SAMANTHA ANNE DAGGETT**  
1260 Borden Rd. Apt. 22  
14 Escondido, CA 92026

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH 118626**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
22 Affairs.
- 23 2. On December 27, 2011, the Board issued Pharmacy Technician Registration  
24 Number TCH 118626 to Samantha Anne Daggett (Respondent). Respondent has also been  
25 known as Samanatha Daggett. The Pharmacy Technician Registration was in full force and effect  
26 at all times relevant to the charges brought herein, and will expire on May 31, 2017, unless  
27 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. Code section 4300, subdivision (a), provides that every license issued by the Board  
6 may be suspended or revoked.

7 5. Code section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 6. Code section 482 states:

14 Each board under the provisions of this code shall develop criteria to  
15 evaluate the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or
- 17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation  
19 furnished by the applicant or licensee.

20 7. Code section 4301 states, in pertinent part:

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

25 ...

26 (h) The administering to oneself, of any controlled substance, or the use of  
27 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
28 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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1 (l) The conviction of a crime substantially related to the qualifications,  
2 functions, and duties of a licensee under this chapter. The record of conviction of  
3 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United  
4 States Code regulating controlled substances or of a violation of the statutes of  
5 this state regulating controlled substances or dangerous drugs shall be conclusive  
6 evidence of unprofessional conduct. In all other cases, the record of conviction  
7 shall be conclusive evidence only of the fact that the conviction occurred. The  
8 board may inquire into the circumstances surrounding the commission of the  
9 crime, in order to fix the degree of discipline or, in the case of a conviction not  
10 involving controlled substances or dangerous drugs, to determine if the conviction  
11 is of an offense substantially related to the qualifications, functions, and duties of  
12 a licensee under this chapter. A plea or verdict of guilty or a conviction following  
13 a plea of *nolo contendere* is deemed to be a conviction within the meaning of this  
14 provision. The board may take action when the time for appeal has elapsed, or the  
15 judgment of conviction has been affirmed on appeal or when an order granting  
16 probation is made suspending the imposition of sentence, irrespective of a  
17 subsequent order under section 1203.4 of the Penal Code allowing the person to  
18 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
19 the verdict of guilty, or dismissing the accusation, information, or indictment.

20 . . . .

### 21 REGULATORY PROVISIONS

22 8. California Code of Regulations, title 16, section 1769, states:

23 . . . .

24 (b) When considering the suspension or revocation of a facility or a  
25 personal license on the ground that the licensee or the registrant has been  
26 convicted of a crime, the board, in evaluating the rehabilitation of such person and  
27 his present eligibility for a license will consider the following criteria:

28 (1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or  
offense(s).

(4) Whether the licensee has complied with all terms of parole,  
probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

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

For the purpose of denial, suspension, or revocation of a personal or  
facility license pursuant to Division 1.5 (commencing with Section 475) of the  
Business and Professions Code, a crime or act shall be considered substantially  
related to the qualifications, functions or duties of a licensee or registrant if to a  
substantial degree it evidences present or potential unfitness of a licensee or

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1 registrant to perform the functions authorized by his license or registration in a  
2 manner consistent with the public health, safety, or welfare.

### 3 COST RECOVERY

4 10. Code section 125.3 provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations  
6 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
8 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
9 may be included in a stipulated settlement.

### 10 FIRST CAUSE FOR DISCIPLINE

11 **(June 10, 2016 Conviction for Driving with a BAC of .08% or More on March 7, 2016)**

12 11. Respondent has subjected her Pharmacy Technician Registration to discipline  
13 under Code sections 490 and 4301, subdivision (I), in that she was convicted of a crime  
14 substantially related to the qualifications, functions, and duties of a registered pharmacy  
15 technician. The circumstances are as follows:

16 a. On June 10, 2016, in a criminal proceeding entitled *The People of the*  
17 *State of California v. Samantha Daggett*, in the San Diego County Superior Court, North  
18 County Division, Case Number CN357222, Respondent was convicted on his plea of guilty of  
19 violating Vehicle Code (VC) section 23152, subdivision (b), driving with a blood alcohol content  
20 (BAC) of 0.08 percent or more, a misdemeanor. Respondent admitted and the court found true  
21 the allegation that at the time of violation of VC section 23152, subdivision (b), mentioned  
22 above, his BAC was .15 percent or more, a sentencing enhancement under VC section 23578. A  
23 misdemeanor charge for violation of VC section 23152, subdivision (a), driving while under the  
24 influence of alcohol (DUI), with a similar enhancement, was dismissed under a plea bargain.

25 b. As a result of the conviction, on June 10, 2016, Respondent was sentenced  
26 to five years summary probation under standard alcohol conditions and ordered to pay fines,  
27 fees, restitution, penalties, and assessments. Respondent was also ordered to attend and  
28 satisfactorily complete a First Offender Alcohol Program and a Mothers Against Drunk Driving

1 Victim Impact Panel. Respondent was further ordered to complete 20 days of service under the  
2 public service program, with credit for two days actually served, five days stayed pending  
3 completion of probation, and the balance of 13 days to be completed at one day per week on  
4 weekends.

5 c. The facts that led to the conviction are that on March 7, 2016, while  
6 driving northbound on Centre City Parkway in Escondido, California, Respondent swerved  
7 across several lanes of traffic and at one point drove onto the grass center median. A responding  
8 officer from the Escondido Police Department (EPD) located Respondent's vehicle traveling  
9 westbound on West Washington Avenue west of North Quince Street and initiated an  
10 enforcement stop. During initial contact with Respondent, the officer smelled alcohol, noticed  
11 Respondent's bloodshot and watery eyes, lax face and jaw, and unsteady gait. Respondent  
12 admitted to consuming a few drinks prior to driving. Respondent failed to perform a series of  
13 field sobriety tests as explained and demonstrated. Respondent consented to a preliminary  
14 alcohol screen, where she tested a BAC of .304 percent, .278 percent, and .326 percent.  
15 Respondent was arrested for DUI and was transported to the EPD, where she consented to a  
16 blood draw. Respondent was subsequently transported and booked into Vista Detention Facility .

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct - Dangerous Use of Alcohol)**

19 12. Respondent has subjected her Pharmacy Technician Registration to discipline  
20 under Code section 4301, subdivision (h) in that on March 7, 2016, she used alcohol to the extent  
21 and in a manner that was dangerous and injurious to herself and to the public, as described in  
22 paragraph 11, above, which are incorporated by reference.

23 **PRAYER**

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

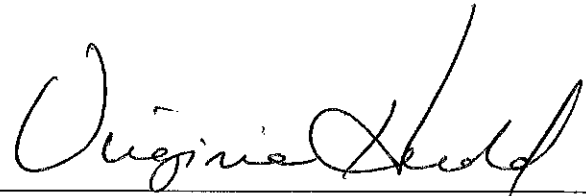
26 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
27 118626, issued to Samantha Anne Daggett;

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1           2.       Ordering Samantha Anne Daggett 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,

4           3.       Taking such other and further action as deemed necessary and proper.  
5  
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7  
8 DATED: 10/14/16



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

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