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

11 In the Matter of the Accusation Against:

Case No. 6034

12 **CHELSEA ELIZABETH CUMMINGS**
13 **P.O. Box 1482**
Chester, CA 96020

FIRST AMENDED ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **135729**

16 Respondent.

17
18 Virginia Herold (Complainant) alleges:

19 **PARTIES**

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

22 2. On or about October 16, 2013, the Board issued Pharmacy Technician Registration
23 Number TCH 135729 to Chelsea Elizabeth Cummings (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 expired on February 28, 2017, unless renewed.

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1 JURISDICTION

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

5 4. Business and Professions Code ("Code") section 4300 states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 (b) The board shall discipline the holder of any license issued by the board,
8 whose default has been entered or whose case has been heard by the board and found
9 guilty, by any of the following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper

16 5. Code section 4300.1 states:

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

23 STATUTORY PROVISIONS

24 6. Code section 4301 states, in pertinent part:

25 The board shall take action against any holder of a license who is guilty of
26 unprofessional conduct or whose license has been procured by fraud or
27 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
28 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.

...

1 COST RECOVERY

2 7. Code section 125.3 provides, 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, with failure of the licentiate to comply subjecting the license to not being renewed or
6 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
7 stipulated settlement.

8 FACTUAL ALLEGATIONS

9 8. At all times alleged herein, Respondent was a student at California State University,
10 Chico, and a Registered Pharmacy Technician. Respondent was employed in her licensed
11 capacity by CVS Pharmacy (CVS), located at 1120 Forest Avenue, Chico, CA 95928.

12 9. On or about January 17, 2014, the Board's enforcement manager received a telephone
13 call from a California State University, Chico (Chico State) police lieutenant, who reported that
14 she was investigating Respondent. The lieutenant was concerned that Respondent used her
15 position as a pharmacy technician to access phone numbers in order to harass a significant
16 number of people, including fellow students and their parents.

17 10. A Chico State Police Department investigation revealed information to substantiate
18 that from October 2013, through at least 2014, Respondent harassed and threatened fellow Chico
19 State students and their parents by sending unwanted and threatening text messages, Facebook
20 messages, and email.

21 11. On or about October 28, 2013, the Butte County Superior Court, case numbers
22 160447 and 160448, granted CH and LG temporary restraining orders (TRO) against Respondent.
23 The TRO's ordered that Respondent must not harass, contact, or come within 100 yards of CH
24 and LG. The TRO's expired on November 18, 2013.

25 12. On or about November 5, 2013, CH and LG called the police and made a report that
26 Respondent violated the TROs.

27 13. On or about November 18, 2013, the Butte County Superior Court, case numbers
28 160447 and 160448, granted civil harassment restraining orders (RO) to CH and LG, ordering

1 that Respondent she must not harass, contact, or come within 100 yards of CH and LG.. The
2 orders expired January 3, 2014.

3 14. On or about December 3, 2013, CH called the police and made a report that
4 Respondent violated the RO's.

5 15. On or about January 28, 2014, the Butte County Superior Court, case numbers
6 160447 and 160448, granted civil harassment RO's to CH and LG, ordering that Respondent
7 must not harass, contact, or come within 100 yards of CH and LG. The orders expired March 28,
8 2014.

9 16. On or about September 3, 2014, Chico State issued findings regarding a campus
10 Level I complaint pursuant to Executive Order (EO) 1074,¹ filed by victims CH and LG against
11 Respondent. The complaints alleged that CH and LG were subjected to threats, harassment, and
12 retaliation by Respondent, in the form of phone calls, texts, and emails, and that Respondent
13 stalked and threatened CH and LG's life and property, on or about and between October 2013,
14 and February 2014, specifically. Based on a preponderance of the evidence, the Chico State
15 investigation found that Respondent harassed and retaliated against CH, LG, and other Chico
16 State students in violation of EO 1074. Through review of relevant documents, analysis of
17 witness statements, and a review of patterns of behavior, the investigators also concluded that the
18 allegations and evidence put forth by Respondent against CH, LG, and other Chico State students
19 did not meet the burden of proof.

20 17. On or about August 4, 2015, CH received a letter from Chico State informing him
21 that Respondent was expelled from Chico State as a result of the EO 1074 investigation and its
22 findings.

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27 ¹ EO 1074 is a system-wide university policy prohibiting discrimination, harassment, and
28 retaliation against students, and a system-wide procedure for handling discrimination, harassment,
and retaliation complaints by students.

1 **FIRST CAUSE FOR DISCIPLINE**

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

3 18. Respondent is subject to discipline pursuant to Code section 4301(f), on the grounds
4 of unprofessional conduct, in that she committed acts involving dishonesty, fraud, deceit, and/or
5 corruption, as more particularly set forth above in paragraphs 8-17.

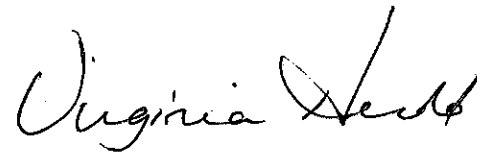
6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 135729,
10 issued to Chelsea Elizabeth Cummings;
- 11 2. Ordering Chelsea Elizabeth Cummings to pay the Board of Pharmacy the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: _____

1/18/18



19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

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19 State students and their parents by sending unwanted and threatening text messages, Facebook
20 messages, and email.

21 11. An Executive Order (EO) 1074 investigation of complaints that Respondent harassed
22 fellow students revealed information to substantiate that from October 2013, through at least
23 2014, Respondent harassed and threatened fellow Chico State students. EO 1074 is a system-
24 wide university policy prohibiting discrimination, harassment, and retaliation against students,
25 and a system-wide procedure for handling discrimination, harassment, and retaliation complaints
26 by students. At the conclusion of the EO 1074 investigation, Chico State officials found
27 Respondent in violation of the prohibition against discrimination, harassment, and retaliation of
28 fellow students.

1 FIRST CAUSE FOR DISCIPLINE

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

3 12. Respondent is subject to discipline pursuant to Code section 4301(f), on the grounds
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18 DATED: 3/8/17



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

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