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

In the Matter of the Accusation Against:

Case No. 3272

WENDY LYNN COOPER

DEFAULT DECISION AND ORDER

Respondent.

[Gov. Code, §11520]

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FINDINGS OF FACT

1. On or about July 8, 2009, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3272 against Wendy Lynn Cooper (Respondent) before the Board of Pharmacy (Board).

2. On or about July 12, 1993, the Board issued Pharmacy Technician Registration No. TCH 8392 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2010, unless renewed.

3. On or about July 21, 2009, Anna A. Carpenter, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Accusation No. 3272, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is: 7272 Sonoma Avenue, Alta Loma, California, 91701. A copy of the Accusation is attached as Exhibit A, and is incorporated herein by reference.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation

1 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
2 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

3 Respondent failed to file a Notice of Defense within 15 days after service upon her of
4 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3272.

5 6. California Government Code section 11520 states, in pertinent part:

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

9 7. Pursuant to its authority under Government Code section 11520, the Board finds
10 Respondent is in default. The Board will take action without further hearing and, based on the
11 evidence on file herein, finds that the allegations in Accusation No. 3272 are true.

12 8. The total cost for investigation and enforcement in connection with the Accusation
13 are \$1,062.00 as of August 20, 2009.

14 DETERMINATION OF ISSUES

15 1. Based on the foregoing findings of fact, Respondent Wendy Lynn Cooper has
16 subjected her Pharmacy Technician Registration No. TCH 8392 to discipline.

17 2. A copy of the Accusation is attached.

18 3. The agency has jurisdiction to adjudicate this case by default.

19 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
20 Registration based upon the following violations alleged in the Accusation:

21 a. Business and Professions Code (Code) section 4301, subdivision (j), on the grounds
22 of unprofessional conduct, in that Respondent violated Code section 4059 by possessing the
23 dangerous drug Tramadol without a prescription. Specifically, on or about December 27, 2007
24 and January 2, 2008, Respondent stole Tramadol from her place of employment, the San Antonio
25 Community Hospital (SACH).

26 b. Code section 4301, subdivision (f), in the Respondent committed dishonesty, fraud,
27 or deceit, by stealing Tramadol from SACH as more fully discussed in paragraphs 9 through 11 of
28 Accusation No. 3272.

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RECORD

The Record upon which this default decision and order are based is located at the Sacramento headquarters of the Board.

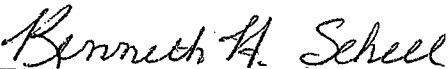
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 8392, heretofore issued to Respondent Wendy Lynn Cooper, is revoked.

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

This Decision shall become effective on February 18, 2010.

It is so ORDERED January 19, 2010.



KENNETH H. SCHELL, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

60450351.DOC
DOJ docket number:LA2009602912

Attachment:

Exhibit A: Accusation No.3272

Exhibit A
Accusation No. 3272

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Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 3272

11 **WENDY LYNN COOPER**
12 **7272 Sonoma Avenue**
13 **Alta Loma, CA 91701**

ACCUSATION

14 **Pharmacy Technician Registration**
15 **No. TCH 8392**

16 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 July 12, 1993, the Board issued Pharmacy Technician Registration
23 Number TCH 8392 to Wendy Lynn Cooper (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on September 30, 2010, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states:

"(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 any 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.

5. Section 4301 of the Code states:

"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, 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.

...

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

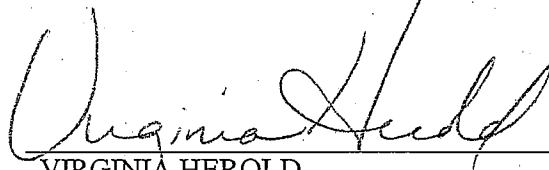
3 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), of the
4 Code, in that Respondent committed dishonesty, fraud or deceit by stealing Tramadol from
5 SACH as more fully discussed in paragraph 9, above, which is herein incorporated by reference
6 as set forth in whole.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 8392,
11 issued to Wendy Lynn Cooper Wendy Lynn Cooper.
- 12 2. Ordering Wendy Lynn Cooper to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3;
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17 DATED: 7/8/09



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

24 LA2009602912
25 accusation.rtf