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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. 3510

**CARRIE MICHELLE DEGROFF
262 W. 59th Street
San Bernardino, CA 92407
Pharmacy Technician License No. TCH
41348**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about May 27, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3510 against Carrie Michelle Degroff (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about May 31, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 41348 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 3510 and will expire on January 31, 2012, unless renewed.

3. On or about June 6, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3510, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
2 is required to be reported and maintained with the Board, which was and is:

3 262 W. 59th Street
4 San Bernardino, CA 92407.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
7 124.

8 5. On or about June 22, 2011, the aforementioned documents were returned by the U.S.
9 Postal Service marked "Unclaimed."

10 6. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3510.

18 8. California Government Code section 11520 states, in pertinent part:

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

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 3510, finds that
28 the charges and allegations in Accusation No. 3510, are separately and severally, found to be true
and correct by clear and convincing evidence.

10 Taking official notice of its own internal records, pursuant to Business and
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation

1 and Enforcement is two thousand seven hundred twenty dollars and no cents (\$2,720.00) as of
2 September 8, 2011.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent Carrie Michelle Degroff has
5 subjected her Pharmacy Technician License No. TCH 41348 to discipline.

6 2. The agency has jurisdiction to adjudicate this case by default.

7 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
8 License based upon the following violations alleged in the Accusation which are supported by the
9 evidence contained in the Default Decision Evidence Packet in this case:

10 a. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
11 (l), of the Code, in conjunction with California Code of Regulation, title 16, section 1770, in that
12 Respondent was convicted of a crime substantially related to the qualifications, functions or
13 duties of a licensed pharmacy technician. On or about July 14, 2008, after pleading guilty,
14 Respondent was convicted of one felony count of violating Penal Code section 475, subdivision
15 (a) [unlawful possession and passage of any forged, altered, or counterfeit item, with intent to
16 defraud], in the criminal proceeding entitled *People of the State of California v. Carrie Michelle*
17 *Degroff* (Super. Ct. San Diego County, 2008, No. CS220719). Respondent was sentenced to 120
18 days in jail with credit of 66 days credit, ordered to pay fine and placed on formal probation for a
19 period of 3 years with terms and condition. The circumstances surrounding the conviction are that
20 on or about July 2, 2008, Respondent attempted to unlawfully enter the United States through the San
21 Ysidro Port of Entry while concealing seven (7) undocumented Mexican Nationals in a stolen vehicle
22 with fraudulent plates.

23 b. Respondent is subject to disciplinary action under section 4301, subdivision (f), on
24 the grounds of unprofessional conduct in that on or about July 2, 2008, Respondent engaged in a
25 dishonest and fraudulent act as explained above.

26 c. In addition, to determine the degree of discipline, Complainant alleges that on or
27 about June 26, 2000, after pleading guilty, Respondent was convicted of two misdemeanor counts
28 of violating Penal Code sections 459 [burglary] and 487, subdivision (a) [grand theft], in the

1 criminal proceeding entitled *People v. Degroff* (Super. Ct. San Bernardino County, 2000, No.
2 MSB048833). Respondent was sentenced to one (1) day in jail, probation for a period of two (2)
3 years with terms and condition including fines.

4 **ORDER**

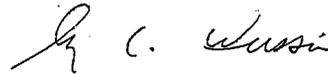
5 IT IS SO ORDERED that Pharmacy Technician License No. TCH 41348, heretofore issued
6 to Respondent Carrie Michelle Degroff, is revoked.

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

11 This decision shall become effective on April 23, 2012.

12 It is so ORDERED on March 23, 2012.

13
14 BOARD OF PHARMACY
15 DEPARTMENT OF CONSUMER AFFAIRS
16 STATE OF CALIFORNIA



17 By _____

18 STANLEY C. WEISSER

19 Board President

20 60678378.DOC
21 DOJ Matter ID:LA2009604431

22 Attachment:
23 Exhibit A: Accusation

Exhibit A

Accusation

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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 KIMBERLEY J. BAKER-GUILLEMET
Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2533
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **CARRIE MICHELLE DEGROFF**
262 W. 59th Street
13 San Bernardino, CA 92407
14
15 **Pharmacy Technician License**
No. TCH 41348
16
17 Respondent.

Case No. 3510

ACCUSATION

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, Department of Consumer Affairs.
22 2. On or about May 31, 2002, the Board of Pharmacy (Board) issued Pharmacy
23 Technician License No. TCH 41348 to Carrie Michelle Degroff (Respondent). The Pharmacy
24 Technician License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on January 31, 2012, unless renewed.

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

3 **COST RECOVERY**

4 8. Section 125.3 of the Code 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 of
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
7 enforcement of the case.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Convictions)**

10 9. Respondent is subject to disciplinary action under sections 490 and 4301,
11 subdivision (l), of the Code, in conjunction with California Code of Regulation, title 16,
12 section 1770, in that Respondent was convicted of crimes substantially related to the
13 qualifications, functions or duties of a licensed pharmacy technician, as follows:

14 a. On or about July 14, 2008, after pleading guilty, Respondent was convicted of one
15 felony count of violating Penal Code section 475, subdivision (a) [unlawful possession and
16 passage of any forged, altered, or counterfeit item, with intent to defraud], in the criminal
17 proceeding entitled *People of the State of California v. Carrie Michelle Degroff* (Super. Ct. San
18 Diego County, 2008, No. CS220719). Respondent was sentenced to 120 days in jail with credit
19 of 66 days credit, ordered to pay fine and placed on formal probation for a period of 3 years with
20 terms and condition.

21 b. The circumstances surrounding the conviction are that on or about July 2, 2008,
22 Respondent attempted to unlawfully enter the United States through the San Ysidro Port of Entry
23 while concealing seven (7) undocumented Mexican Nationals in a stolen vehicle with fraudulent
24 plates. After she had been detained and arrested, Respondent admitted to a DMV investigator
25 during an interview that she had provided her drivers license to a smuggler on or about July 1,
26 2008.

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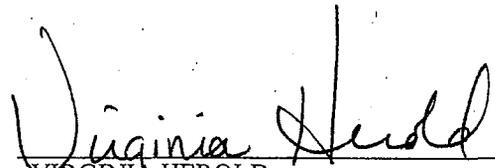
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 41348, issued to Respondent;
2. Ordering Respondent to pay the Board 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: 5/27/11



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

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