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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. 3569

**BRITTON R. PARRETT
2135 Waldon Street
Redding, California 96001
Pharmacy Technician Registration No. TCH
61069**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about January 11, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3569 against Britton R. Parrett (Respondent) before the Board of Pharmacy.

2. On or about February 24, 2005, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 61069 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 April 30, 2010, unless renewed.

3. On or about January 20, 2010, Celia Cruz, an employee of the Department of Justice, served by Certified Mail and first class United States mail a copy of the Accusation No. 3569, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code

1 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which
2 was and is: 2135 Waldon Street, Redding, California 96001.

3 A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

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

6 5. On or about January 22, 2010, the certified mailing of the aforementioned documents
7 was returned by the U.S. Postal Service marked "return to sender, moved left no address, unable
8 to forward, return to sender." The first class mailing of the aforesaid documents was returned by
9 the U.S Postal Service marked "Return to sender, moved left no address, unable to forward, return
10 to sender."

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

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

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
19 3569.

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

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

25 9. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 evidence on file herein, finds that the allegations in Accusation No. 3569 are true.

28 10. The total cost for investigation and enforcement in connection with the Accusation
are \$2,560.00 as of February 5, 2010.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Britton R. Parrett has subjected
3 his Pharmacy Technician Registration No. TCH 61069 to discipline.

4 2. A copy of the Accusation is attached.

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

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

8 a. Business and Professions Code section 4301(f) by stealing approximately 300
9 Hydrocodone tablets from Walgreen's Pharmacy, Respondent's former employer, in March 2008;
10 and

11 b. Business and Professions Code section 4301(j) on conjunction with Health and Safety
12 Code section 11170 by possession and self-administration of Hydrocodone tablets without a
13 prescription therefor.

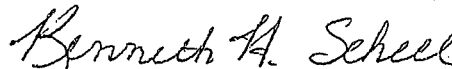
14 ORDER

15 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 61069, heretofore
16 issued to Respondent Britton R. Parrett, is revoked.

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

21 This Decision shall become effective on May 26, 2010.

22 It is so ORDERED April 26, 2010.

23 

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

27 default decision_LIC.rtf
28 DOJ docket number:SA2009103299

Attachment: Exhibit A: Accusation No.3569

Exhibit A
Accusation No. 3569

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 STERLING A. SMITH, State Bar No. 84287
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 445-0378
Facsimile: (916) 327-8643

6 Attorneys for Complainant

7
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. 3569

13 **BRITTON R. PARRETT**
2135 Waldon Street
Redding, CA 96001

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
61069

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

22 2. On or about February 24, 2005, the Board of Pharmacy issued Pharmacy
23 Technician Registration Number TCH 61069 to Britton R. Parrett (Respondent). The license
24 will expire on April 30, 2010, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 4300 of the Code states, in pertinent part:

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

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

7 “(1) Suspending judgment.

8 “(2) Placing him or her upon probation.

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

10 “(4) Revoking his or her license.

11 “(5) Taking any other action in relation to disciplining him or her as the board in
12 its discretion may deem proper.

13 5. Section 4301 of the Code states, in pertinent part:

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

18 ...

19 “(f) The commission of any act involving moral turpitude, dishonesty, fraud,
20 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
21 otherwise, and whether the act is a felony or misdemeanor or not.

22 ...

23 “(j) The violation of any of the statutes of this state or of the United States
24 regulating controlled substances and dangerous drugs.

25 6. Section 4060 of the Code provides, in pertinent part, that no person shall
26 possess any controlled substance, except that furnished to a person upon lawful prescription.

27 7. Section 125.3 of the Code provides, in pertinent part, that the Board may
28 request the administrative law judge to direct a licentiate found to have committed a violation or

1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 8. Health and Safety Code section 11170 provides, in pertinent part, that no
4 person shall furnish a controlled substance for himself.

5 DRUGS

6 9. Hydrocodone APAP is a Schedule III controlled substance, as designated
7 by Health and Safety Code section 11056(e)(4).

8 FIRST CAUSE FOR DISCIPLINE

9 (Dishonest Acts)

10 10. Respondent is subject to disciplinary action under section 4301(f) in that
11 Respondent has committed acts of dishonesty and deceit. The circumstances are as follows:

12 11. In or about February or March 2008, while working as a pharmacy
13 technician, Respondent stole approximately three (3) bottles of 100 tablets each of
14 Hydrocodone APAP 7.5/200mg and one (1) bottle of Hydrocodone APAP 7.5/325 mg from
15 his employer, Walgreen's Pharmacy # 4243 in Redding, California.

16 SECOND CAUSE FOR DISCIPLINE

17 (Violation of Drug Laws)

18 12. Respondent is subject to disciplinary action under section 4301(j), in
19 conjunction with section 4060 and Health and Safety Code section 11170 in that without a
20 prescription, Respondent possessed and self-administered Hydrocodone tablets stolen as alleged
21 in Paragraphs 10 and 11, acts in violation of California statutes regulating controlled substances.

22 PRAYER

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

25 A. Revoking or suspending Pharmacy Technician Registration Number TCH
26 61069 issued to Respondent Britton R. Parrett;

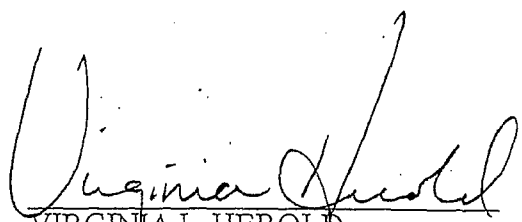
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1 B. Ordering Respondent Britton R. Parrett to pay the Board of Pharmacy the
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
3 Professions Code section 125.3;

4 C. Taking such other and further action as deemed necessary and proper.

5
6 DATED: 1/11/10



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

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15 Accusation.wpd

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