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

In the Matter of the Accusation Against:  
  
**SHANNON MICHELE THOMPSON**  
3469 Spenceville Road  
Wheatland, California 95692  
  
**Pharmacy Technician Registration  
No. TCH 47914**  
  
Respondent.

Case No. 3708

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 6, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3708 against Shannon Michele Thompson (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about August 22, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 47914 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein expired on January 31, 2011, and has not been renewed. This lapse in licensure, however, pursuant to Business and Professions Code section 118(b) and/or agency-specific statute does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

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1           3.    On or about January 19, 2011, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 3708, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board, which was and is:  
6 3469 Spenceville Rd., Wheatland, California 956924. Service of the Accusation was effective as  
7 a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or  
8 Business & Professions Code section 124.

9           4.    The aforementioned documents were not returned by the U.S. Postal Service.

10          5.    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          6.    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. 3708.

18          7.    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          8.    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. 3708, finds that  
28 the charges and allegations in Accusation No. 3708, are separately and severally, found to be true  
and correct by clear and convincing evidence.

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# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
4 State Bar No. 209545  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-8311  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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. 3708

12 **SHANNON MICHELE THOMPSON**  
13 3469 Spenceville Rd.  
Wheatland, California 95692

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

14 **Pharmacy Technician Registration No. TCH 47914**

15 Respondent.

16  
17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 2. On or about August 22, 2003, the Board issued Pharmacy Technician Registration  
22 Number TCH 47914 ("Registration") to Shannon Michele Thompson ("Respondent"). The  
23 registration was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on January 31, 2011, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 4202(d), states that the Board may  
27 suspend or revoke a registration issued pursuant to this section on any ground specified in Code  
28 section 4301.

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4. Code section 4300 states, in pertinent part:

(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.

....

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

**STATUTORY PROVISIONS**

5. Code section 4301 states, in pertinent part:

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, 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.

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense

1 substantially related to the qualifications, functions, and duties of a licensee under this  
2 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
3 contendere is deemed to be a conviction within the meaning of this provision. The  
4 board may take action when the time for appeal has elapsed, or the judgment of  
5 conviction has been affirmed on appeal or when an order granting probation is made  
6 suspending the imposition of sentence, irrespective of a subsequent order under  
7 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
8 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
9 dismissing the accusation, information, or indictment.

#### 6 COST RECOVERY

7 6. Code section 125.3 provides, in pertinent part, that a Board may request the  
8 administrative law judge to direct a licentiate found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

#### 11 FIRST CAUSE FOR DISCIPLINE

##### 12 (Conviction of Crimes)

13 7. Respondent is subject to discipline under Code section 4301(I), on the grounds of  
14 unprofessional conduct, in that she was convicted of the following crimes that are substantially  
15 related to the qualifications, functions or duties of a pharmacy technician:

16 a. On or about September 27, 2004, in the case of *People v. Shannon Michele Thompson*,  
17 (Super. Kern County, 2004, Case No. MM048167A), Respondent was convicted by the Court on  
18 her plea of nolo contendere of violating Penal Code section 243(a) (battery), a misdemeanor. The  
19 circumstances of the crime were that on or about July 11, 2004, Respondent struck a woman, L.J.,  
20 in the face with a balled fist, and then kneed her in the face. L.J. fell to the ground, and  
21 Respondent left the scene.

22 b. On or about December 6, 2006, in the case of *People v. Shannon Michele Thompson*,  
23 (Super. Ct. Kern County, 2006, Case No. MM056618A), Respondent was convicted by the Court  
24 on her plea of nolo contendere of violating Vehicle Code section 10851(a) (took a vehicle without  
25 the owners consent), and Penal Code section 243(a) (battery), misdemeanors. The circumstances  
26 of the crime were that on or about December 1, 2006, Respondent took P.H.'s vehicle without his  
27 consent, and then drove the vehicle straight toward him, striking him, and throwing him up on top  
28 of the hood of the vehicle.

1 c. On or about March 11, 2008, in the case of *People v. Shannon Michele Thompson*,  
2 (Super. Ct. Yuba County, 2008, Case No. CR-M-07-0001221), Respondent was convicted by the  
3 Court on her plea of no contest of violating Health and Safety Code section 11357(b) (possessed  
4 Marijuana in an amount not exceeding one ounce), an infraction.

5 d. On or about May 5, 2009, in the case of *People v. Shannon Michele Thompson*, (Super.  
6 Ct. Yuba County, 2008, Case No. TR-08-01066), Respondent was convicted by the Court on her  
7 plea of nolo contendere of violating Vehicle Code section 14601.1(a) (drove a vehicle without a  
8 valid license), a misdemeanor.

9 **SECOND CAUSE FOR DISCIPLINE**

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

11 8. Respondent is subject to discipline under Code section 4301(f), on the grounds of  
12 unprofessional conduct, in that while a licensed Pharmacy Technician, Respondent did acts  
13 involving moral turpitude, dishonesty, fraud, deceit, or corruption, in that on or about  
14 December 1, 2006, Respondent took a vehicle without the owner's consent, as more particularly  
15 set forth above in paragraph 7(b).

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacy Technician Registration Number TCH 47914,  
20 issued to Shannon Michele Thompson;

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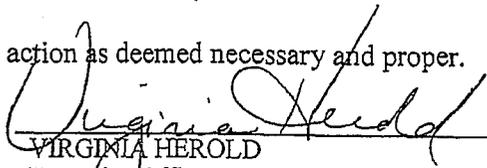
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- 1           2.    Ordering Shannon Michele Thompson to pay the Board of Pharmacy the reasonable
- 2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
- 3 Code section 125.3; and,
- 4           3.    Taking such other and further action as deemed necessary and proper.

5 DATED: 1/6/11



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

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