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

In the Matter of the Accusation Against:

CAROLYN T. SATELE
3237 Par Drive
La Mesa, CA 91941

Pharmacy Technician Registration No. TCH
35566

Respondent.

Case No. 3731
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 9, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3731 against Carolyn T. Satele (Respondent) before the Board of Pharmacy. (Accusation Number 3731 attached as Exhibit A.)
2. On or about December 27, 2000, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 35566 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and expired on May 31, 2010. However, pursuant to Business and Professions Code section 118(b), this lapse in licensure does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1 3. On or about August 16, 2010, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 3731, Statement to Respondent, blank Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
5 Code section 136 and 4100, and title 16, California Code of Regulations section 1704, is required
6 to be reported and maintained with the Board, which was and is: 3237 Par Drive, La Mesa, CA
7 91941.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
10 124.

11 5. On or about August 18, 2010, the Return Receipt confirming delivery of the
12 aforementioned documents sent via Certified Mail was returned by the U.S. Postal Service and
13 was signed by Respondent's "agent" on August 17, 2010.

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3731.

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

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained
therein on file at the Board's offices regarding the allegations contained in Accusation No. 3731,

1 finds that the charges and allegations in Accusation No. 3731, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$4,416.50 as of September 15, 2010.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Carolyn T. Satele has subjected
8 her Pharmacy Technician Registration No. TCH 35566 to discipline.

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

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
11 Registration based upon the following violations alleged in the Accusation which are supported
12 by the evidence contained in the Default Decision Investigatory Evidence Packet maintained by
13 the Board in this case:

14 a. Respondent is subject to disciplinary action under Business and Professions
15 Code section 4301(h) in that while employed at Longs Drug Store in La Mesa, California as a
16 pharmacy technician, Respondent used controlled substances, namely hydrocodone/APAP and
17 Ambien, without a prescription.

18 b. Respondent is subject to disciplinary action under Business and Professions
19 Code section 4301(o) in that while employed at Longs Drug Store in La Mesa, California as a
20 pharmacy technician, Respondent violated the Pharmacy Act when she illegally possessed and
21 used controlled substances, namely hydrodone/APAP and Ambien, without a prescription and in
22 violation of Business and Professions Code sections 4059 and 4060.

23 c. Respondent is subject to disciplinary action under Business and Professions
24 Code section 4301(j) in that on or between September 2008 and November 2008, while employed
25 at Longs Drug Store in La Mesa, California as a pharmacy technician, Respondent violated the
26 California Uniform Controlled Substances Act, including Health and Safety Code sections 11170,
27 11173(a) and 11350(a).

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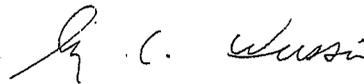
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 35566, heretofore issued to Respondent Carolyn T. Satele, 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 January 19, 2011.

It is so ORDERED December 20, 2010.



STANLEY C. WEISSNER, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:SD2010701050

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
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Supervising Deputy Attorney General
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7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3731

12 **CAROLYN T. SATELE**
13 **3237 Par Drive**
14 **La Mesa, CA 91941**

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **35566**

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

- 22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 24 2. On or about December 27, 2000, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 35566 to Carolyn T. Satele (Respondent). The Pharmacy Technician
26 Registration was in full force and effect at all times relevant to the charges brought herein and
27 expired on May 31, 2010 and is delinquent.

1 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)
2 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This
3 section shall not apply to the possession of any controlled substance by a
4 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
5 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
6 practitioner, or physician assistant, when in stock in containers correctly labeled
7 with the name and address of the supplier or producer.

8 Nothing in this section authorizes a certified nurse-midwife, a nurse
9 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own
10 stock of dangerous drugs and devices.

11 9. Section 4301 of the Code states:

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

16 (h) The administering to oneself, of any controlled substance, or the use of
17 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
18 dangerous or injurious to oneself, to a person holding a license under this chapter,
19 or to any other person or to the public, or to the extent that the use impairs the
20 ability of the person to conduct with safety to the public the practice authorized by
21 the license.

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

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in
25 or abetting the violation of or conspiring to violate any provision or term of this
26 chapter or of the applicable federal and state laws and regulations governing
27 pharmacy, including regulations established by the board or by any other state or
28 federal regulatory agency.

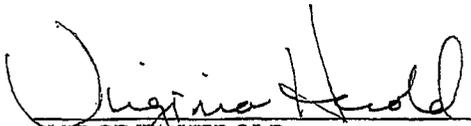
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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 35566, issued to Carolyn T. Satele;
2. Ordering Carolyn T. Satele to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/9/10


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

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