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

In the Matter of the Accusation Against:

SHELISE HOUSTON

3233 W. 111th Street
Inglewood, CA 90303
Pharmacy Technician Registration No. TCH
31260

Respondent.

Case No. 3742

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 13, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3742 against Shelise Houston (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 25, 1999, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 31260 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 March 31, 2011, unless renewed.

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1 3. On or about August 24, 2010, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 3742, 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 136, is required to be reported and maintained with the Board, which was and is: 3233 W.
6 111th Street, Inglewood, CA 90303.

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

10 5. Respondent did not send a Notice of Defense. Only a certified mail Domestic Return
11 Receipt was returned.

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

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3742.

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 express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
24 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 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 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. 3742, finds that
the charges and allegations in Accusation No. 3742, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 10. Taking official notice of its own internal records, pursuant to Business and
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
3 and Enforcement is \$6,444.50 as of September 21, 2010.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Shelise Houston has subjected
6 her Pharmacy Technician Registration No. TCH 31260 to discipline.

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

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

11 a. Cause for Discipline for Corrupt Acts – Diversion of Drugs (Bus. & Prof. Code, §
12 4301).

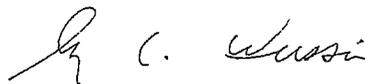
13 ORDER

14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 31260, heretofore
15 issued to Respondent Shelise Houston, is revoked.

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

20 This Decision shall become effective on January 19, 2011.

21 It is so ORDERED December 20, 2010.

22 

23
24 STANLEY C. WEISSER, BOARD PRESIDENT
25 FOR THE BOARD OF PHARMACY
26 DEPARTMENT OF CONSUMER AFFAIRS

Attachment:
Exhibit A: Accusation

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Exhibit A

Accusation No. 3742

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
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6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:
11
12 **SHELISE HOUSTON**
3233 W. 111th Street
13 Inglewood, CA 90303
Pharmacy Technician
14 Registration No. TCH 31260
15 Respondent.

Case No. 3742

A C C U S A T I O N

16
17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
21 2. On or about October 25, 1999, the Board issued Pharmacy Technician Registration
22 Number TCH 31260 to Shelise Houston (Respondent). The Pharmacy Technician Registration
23 was in full force and effect at all times relevant to the charges brought herein and will expire on
24 March 31, 2011, unless renewed.

25
26 JURISDICTION

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

1 fraud, deceit, or corruption while employed as a pharmacy technician at the Kaiser Permanente
2 Pharmacy in Downey. The circumstances are as follows:

3 a. On or about February 3, 2009, Respondent diverted two four-ounce bottles of the
4 Schedule V controlled substance of Promethazine with Codeine, also known by the brand-name
5 Phenergan with Codeine (Health & Saf. Code, § 11058, subd. (c)(1)).

6 b. On or about February 9, 2009, Respondent diverted two four-ounce bottles of the
7 Schedule V controlled substance of Promethazine with Codeine.

8 c. On or about February 13, 2009, Respondent diverted two four-ounce bottles of the
9 Schedule V controlled substance of Promethazine with Codeine, and a 100 count of
10 Hydrocodone/Apap 10/325, also known by the brand name Norco (Health & Saf. Code, § 11056,
11 subd. (e)(4)).

12 13 DISCIPLINE CONSIDERATION

14 10. On or about September 24, 2009, the Board issued Respondent a Letter of
15 Admonishment numbered CI 2008 38715, following Respondent's October 28, 2008 arrest for
16 possession of 28.5 grams or less of marijuana, in violation of Health and Safety Code section
17 11357, subdivision (b). The letter of admonishment notified Respondent that she could contest
18 the letter by either submitting an attached "Request for Office Conference" form, or complying
19 with the letter and submitting a written corrective action plan documenting Respondent's
20 compliance.

21 PRAYER

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

24 1. Revoking or suspending Pharmacy Technician Registration Number TCH 31260,
25 issued to Respondent Shelise Houston;

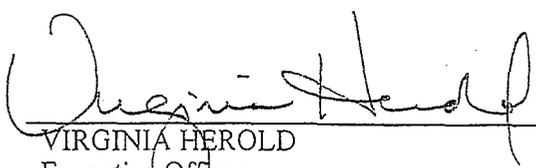
26 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
27 enforcement of this case, pursuant to Code section 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/13/10



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

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