

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

In the Matter of the Accusation Against:

Case No. 3844

TREVOR SUNDQUIST
1550 Chabot Court
Eureka, CA 95503

Pharmacy Technician No. TCH 53676

Respondent.

DECISION AND ORDER

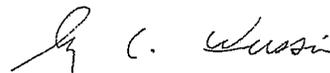
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on October 19, 2011.

It is so ORDERED September 19, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
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7 *Attorneys for Complainant*

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

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11 In the Matter of the Accusation Against:

Case No. 3844

12 **TREVOR SUNDQUIST**
1550 Chabot Court
13 Eureka, CA 95503
Pharmacy Technician No. 53676

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.
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16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Timothy J. McDonough, Deputy
23 Attorney General.

24 2. Trevor Sundquist is representing himself in this proceeding and has chosen not to
25 exercise his right to be represented by counsel.

26 3. On or about January 13, 2004, the Board of Pharmacy issued Pharmacy Technician
27 License No. 53676 to Trevor Sundquist (Respondent). The Pharmacy Technician License was in
28

1 full force and effect at all times relevant to the allegations brought in Accusation No. 3844 and
2 will expire on June 30, 2011, unless renewed.

3 JURISDICTION

4 4. Accusation No. 3844 was filed before the Board of Pharmacy (Board), Department of
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
6 statutorily required documents were properly served on Respondent on March 4, 2011.
7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
8 No. 3844 is attached as Exhibit A and incorporated by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, and understands the charges and allegations in
11 Accusation No. 3844. Respondent also has carefully read, and understands the effects of this
12 Stipulated Surrender of License and Order.

13 6. Respondent is fully aware of his legal rights in this matter, including the right to a
14 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
15 his own expense; the right to confront and cross-examine the witnesses against him; the right to
16 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
17 the attendance of witnesses and the production of documents; the right to reconsideration and
18 court review of an adverse decision; and all other rights accorded by the California
19 Administrative Procedure Act and other applicable laws.

20 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
21 every right set forth above.

22 CULPABILITY

23 8. Respondent admits the truth of each and every charge and allegation in Accusation
24 No. 3844, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
25 License No. 53676 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue
27 an order accepting the surrender of his Pharmacy Technician without further process.

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ORDER

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2 IT IS HEREBY ORDERED that Respondent surrenders pharmacy technician license No.
3 53676 as of the effective date of this decision. Respondent shall relinquish his or her pharmacy
4 technician license to the board within ten (10) days of the effective date of this decision.

5 The surrender of Respondent's license and the acceptance of the surrendered license by the
6 Board shall constitute the imposition of discipline against Respondent. This decision constitutes
7 a record of discipline and shall become a part of Respondent's license history with the Board.

8 Respondent understands and agrees that if he ever files an application for licensure or a
9 petition for reinstatement in the State of California, the Board shall treat it as a new application
10 for licensure.

11 Respondent may not apply for any license, permit, or registration from the Board for three
12 (3) years from the effective date of this decision. Respondent stipulates that should he or she
13 apply for any license from the Board on or after the effective date of this decision, all allegations
14 set forth in the accusation shall deem to be true, correct and admitted by Respondent when the
15 Board determines whether to grant or deny the application. Respondent shall satisfy all
16 requirements applicable to that license as of the date the application is submitted to the Board,
17 including, but not limited to certification by a nationally recognized body prior to the issuance of
18 a new license. Respondent is required to report this surrender as disciplinary action.

19 Respondent stipulates that should he apply for any license from the Board on or after the
20 effective date of this decision, investigation and prosecution costs in the amount of \$6,652.50
21 shall be paid to the Board prior to issuance of the license.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

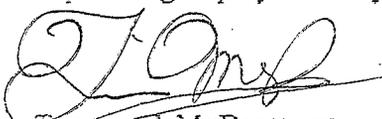
DATED: 7/11/11 
TREVOR SUNDQUIST
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: July 25, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


TIMOTHY J. McDONOUGH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3844

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
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1550 Chabot Court
13 **Eureka, CA 95503**
14 **Pharmacy Technician License No. 53676,**

A C C U S A T I O N

15 Respondent.

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, Department of Consumer Affairs.

21 2. On or about January 13, 2004, the Board of Pharmacy issued Pharmacy Technician
22 License Number 53676 to Trevor Sundquist (Respondent). The Pharmacy Technician License
23 was in full force and effect at all times relevant to the charges alleged in this Accusation and will
24 expire on June 30, 2011, unless renewed.

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JURISDICTION

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2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states:

6 "(a) Every license issued may be suspended or revoked.

7 "(b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

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

13 "(4) Revoking his or her license.

14 "(5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 ...

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

22 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
23 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
24 disciplinary action during the period within which the license may be renewed, restored, reissued
25 or reinstated.

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1 "(r) The selling, trading, transferring, or furnishing of drugs obtained pursuant to Section
2 256b of Title 42 of the United States Code to any person a licensee knows or reasonably should
3 have known, not to be a patient of a covered entity, as defined in paragraph (4) of subsection (a)
4 of Section 256b of Title 42 of the United States Code."

5 7. Section 4324 of the Code states:

6 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,
7 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
8 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the
9 state prison, or by imprisonment in the county jail for not more than one year.

10 "(b) Every person who has in his or her possession any drugs secured by a forged
11 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the
12 county jail for not more than one year."

13 8. Section 480 of the Code states, in relevant part:

14 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
15 one of the following:

16 ...

17 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
18 benefit himself or herself or another, or substantially injure another.

19 "(3) Done any act which if done be a licentiate of the business or profession in question,
20 would be grounds for suspension or revocation or license."

21 9. California Code of Regulations, title 16, section 1770, states:

22 "For the purpose of denial, suspension, or revocation of a personal or facility license
23 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
24 crime or act shall be considered substantially related to the qualifications, functions or duties of a
25 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
26 licensee or registrant to perform the functions authorized by his license or registration in a manner
27 consistent with the public health, safety, or welfare."

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1 14. From approximately April 5, 2009, to approximately November 19, 2009,
2 Respondent was creating fraudulent prescriptions in order to steal doses of Hydrocodone from his
3 employer Walgreens No. 4681 (Walgreens) in Eureka, California. Specifically, Respondent
4 would use legitimate hard copy prescriptions for patients which were already scanned in the
5 system, filled, and sold to the correct patient. However, Respondent would then create a profile
6 for a fictitious patient, often done by altering some of the letters in the legitimate patient's name,
7 and would rescan the prescription under the fictitious patient's name. The fictitious prescriptions
8 were then filled and sold to unknown people through Walgreen's drive-thru. Respondent's
9 initials were attached to the new scans and profiles for the fictitious patients. Respondent forged
10 approximately 28 prescription documents using various fictitious names and diverted
11 approximately 8880 dosages of Hydrocodone.

12 15. Walgreens conducted an investigation after receiving a fax from a physician's office
13 denying a prescription refill request for a "Sarah Wilson" indicating that they did not have a
14 patient by that name. The investigation revealed that this fraudulent practice—explained in
15 paragraph 14--occurred using 12 different names. The Pharmacist-in-Charge who was also the
16 Pharmacy Manager at Walgreens suspected that the fraudulent prescriptions were reviewed and
17 verified by Respondent by impermissibly using the pharmacist's computer while the pharmacist
18 was away from the computer assisting a patient or involved in other tasks. The fraudulent
19 prescriptions appear to have begun when the Pharmacy Manager was out on maternity leave and
20 there were several "relief" pharmacists on duty who were not familiar with Walgreens' patients.
21 Respondent would often use the computer saying he was "check[ing] the work queue" when a
22 pharmacist stepped away from the computer. Further, Respondent had access to certain areas of
23 the pharmacy in order to store away old prescription hard copies into storage boxes and re-file
24 current prescription hard copies.

25 16. Walgreens' investigation revealed that some of the re-scanned prescriptions had
26 additional handwriting, believed to be Respondent's handwriting, on them presumably to
27 convince the pharmacist that the prescription was from a legitimate patient profile.

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