

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

In the Matter of the Statement of Issues Against:

Case No. 4427

CHLOE DARRAGH SWEENEY

Applicant for Pharmacy Technician Registration

Respondent.

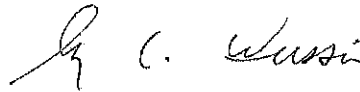
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 May 31, 2013.

It is so ORDERED on May 1, 2013.

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 JANICE K. LACHMAN
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Statement of Issues Against:

Case No. 4427

13 **CHLOE DARRAGH SWEENEY**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Applicant for Pharmacy Technician Registration

Respondent.

15
16 **PARTIES**

17 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy,
18 Department of Consumer Affairs, ("Board"). She brought this action solely in her official
19 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
20 California, by Leslie A. Burgermeyer, Deputy Attorney General.

21 2. Respondent Chloe Darragh Sweeney ("Respondent") is represented in this proceeding
22 by attorney Tedd A. Mehr, Esq., whose address is: Mehr Law Office, A.P.C., P.O. Box 1286,
23 2967 Davison Court, Suite B, Colusa, California, 95932; telephone: (530) 458-5481.

24 3. On or about January 9, 2012, Respondent filed an application dated November 30,
25 2011, with the Board to obtain a Pharmacy Technician Registration.

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1 **JURISDICTION**

2 4. Statement of Issues No. 4427 was filed before the Board and is currently pending
3 against Respondent. The Statement of Issues and all other statutorily required documents were
4 properly served on Respondent on January 7, 2013.

5 5. A copy of Statement of Issues No. 4427 is attached hereto, marked Exhibit A, and
6 incorporated herein by reference.

7 **ADVISEMENT AND WAIVERS**

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

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

17 **CULPABILITY**

18 8. Respondent admits the truth of each and every charge and allegation in the Statement
19 of Issues No. 4427.

20 9. Respondent agrees that her Pharmacy Technician Registration is subject to denial and
21 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
22 below.

23 **RESERVATION**

24 10. The admissions made by Respondent herein are only for the purposes of this
25 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
26 licensing agency is involved, and shall not be admissible in any other criminal or civil
27 proceeding.

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CONTINGENCY

1
2 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board may communicate
4 directly with the Board regarding this stipulation and settlement, without notice to or participation
5 by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees
6 that he may not withdraw her agreement or seek to rescind the stipulation prior to the time the
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
8 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
10 not be disqualified from further action by having considered this matter.

11 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
12 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
13 effect as the originals.

14 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
18 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
19 writing executed by an authorized representative of each of the parties.

20 14. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the Board may, without further notice or formal proceeding, issue and enter the following
22 Disciplinary Order:

DISCIPLINARY ORDER

23
24 **IT IS HEREBY ORDERED** that upon satisfaction of all statutory and regulatory
25 requirements for issuance of a license, a Pharmacy Technician Registration shall be issued to
26 Chloe Darragh Sweeney ("Respondent") and immediately revoked. The order of revocation is
27 stayed and Respondent is placed on probation for five (5) years probation upon the following
28 terms and conditions:

1 **1. Certification Prior to Resuming Work**

2 Respondent shall be automatically suspended from working as a Pharmacy Technician until
3 she is certified as defined by Business and Professions Code section 4202, subdivision (a)(4), and
4 provides satisfactory proof of certification to the Board of Pharmacy ("Board"). Failure to
5 achieve certification within one (1) year shall be considered a violation of probation. Respondent
6 shall not resume working as a Pharmacy Technician until notified by the Board.

7 During suspension, Respondent shall not enter any pharmacy area or any portion of any
8 other Board licensed premises (wholesaler, veterinary food-animal drug retailer, or any other
9 distributor of drugs), any drug manufacturer, or any other location where dangerous drugs and
10 devices or controlled substances are maintained. Respondent shall not do any act involving drug
11 selection, selection of stock, manufacturing, compounding, or dispensing. Nor shall Respondent
12 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or
13 control the ordering, manufacturing, or dispensing of dangerous drugs and devices or controlled
14 substances. Respondent shall not resume work until notified by the Board.

15 Subject to the above restrictions, Respondent may continue to own or hold an interest in
16 any licensed premises by the Board in which he holds an interest at the time this decision
17 becomes effective unless otherwise specified in this order.

18 **2. Obey All Laws**

19 Respondent shall obey all state and federal laws and regulations.

20 Respondent shall report any of the following occurrences to the Board, in writing, within
21 seventy-two (72) hours of such occurrence:

22 a. An arrest or issuance of a criminal complaint for violation of any provision of the
23 Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances
24 laws;

25 b. A plea of guilty or nolo contendere in any state or federal criminal proceeding to any
26 criminal complaint, information, or indictment;

27 c. A conviction of any crime; and/or

28 d. Discipline, citation, or other administrative action filed by any state or federal agency

1 which involves Respondent's Pharmacy Technician Registration or which is related to the
2 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
3 for any drug, device or controlled substance.

4 Failure to timely report any such occurrence shall be considered a violation of probation.

5 **3. Report to the Board**

6 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
7 designee. The report shall be made either in person or in writing, as directed. Among other
8 requirements, Respondent shall state in each report under penalty of perjury whether there has
9 been compliance with all the terms and conditions of probation. Failure to submit timely reports
10 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
11 in submission of reports as directed may be added to the total period of probation. Moreover, if
12 the final probation report is not made as directed, probation shall be automatically extended until
13 such time as the final report is made and accepted by the Board.

14 **4. Interview with the Board**

15 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
16 with the Board or its designee, at such intervals and locations as are determined by the Board or
17 its designee. Failure to appear for any scheduled interview without prior notification to Board
18 staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee
19 during the period of probation, shall be considered a violation of probation.

20 **5. Cooperate with Board Staff**

21 Respondent shall cooperate with the Board's inspection program and with the Board's
22 monitoring and investigation of Respondent's compliance with the terms and conditions of her
23 probation. Failure to cooperate shall be considered a violation of probation.

24 **6. Notice to Employers**

25 During the period of probation, Respondent shall notify all present and prospective
26 employers of the Decision in Case No. 4427 and the terms, conditions, and restrictions imposed
27 on Respondent by the Decision, as follows:

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1 Within thirty (30) days of the effective date of this Decision and within fifteen (15) days of
2 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
4 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
5 individual(s) has/have read the Decision in Case No. 4427 and the terms and conditions imposed
6 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
7 supervisor(s) submit timely acknowledgement(s) to the Board.

8 If Respondent works for or is employed by or through a pharmacy employment service,
9 Respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
10 of the terms and conditions of the Decision in Case No. 4427 in advance of the Respondent
11 commencing work at each pharmacy. A record of this notification must be provided to the Board
12 upon request.

13 Furthermore, within thirty (30) days of the effective date of this Decision and within fifteen
14 (15) days of Respondent undertaking any new employment by or through a pharmacy employ-
15 ment service, Respondent shall cause her direct supervisor with the pharmacy employment
16 service to report to the Board in writing acknowledging that he has read the Decision in Case No.
17 4427 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to
18 ensure that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

19 Failure to timely notify present or prospective employer(s) or to cause that or those
20 employer(s) to submit timely acknowledgements to the Board shall be considered a violation of
21 probation.

22 "Employment" within the meaning of this provision shall include any full-time, part-
23 time, temporary or relief service, or pharmacy management service as a Pharmacy
24 Technician or in any position for which a Pharmacy Technician Registration is a
25 requirement or criterion for employment whether the Respondent is considered an
26 employee, independent contractor, or volunteer.

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1 **7. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
4 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
5 shall be considered a violation of probation.

6 **8. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current Pharmacy
8 Technician Registration with the Board, including any period during which suspension or
9 probation is tolled. Failure to maintain an active, current registration shall be considered a
10 violation of probation.

11 If Respondent's Pharmacy Technician Registration expires or is cancelled by operation of
12 law or otherwise at any time during the period of probation, including any extensions thereof due
13 to tolling or otherwise, upon renewal or re-application Respondent's registration shall be subject
14 to all terms and conditions of this probation not previously satisfied.

15 **9. Registration Surrender While on Probation/Suspension**

16 Following the effective date of this Decision, should Respondent cease work due to
17 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
18 Respondent may tender her Pharmacy Technician Registration to the Board for surrender. The
19 Board or its designee shall have the discretion whether to grant the request for surrender or take
20 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of
21 the license, Respondent will no longer be subject to the terms and conditions of probation. This
22 surrender constitutes a record of discipline and shall become a part of the Respondent's
23 registration history with the Board.

24 Upon acceptance of the surrender, Respondent shall relinquish her Pharmacy Technician
25 Registration to the Board within ten (10) days of notification by the Board that the surrender is
26 accepted. Respondent may not re-apply for any license, permit, or registration from the Board for
27 three (3) years from the effective date of the surrender. Respondent shall meet all requirements

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1 applicable to the registration sought as of the date the application for that registration is submitted
2 to the Board.

3 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
4 **Employment**

5 Respondent shall notify the Board in writing within ten (10) days of any change of
6 employment. Said notification shall include the reasons for leaving, the address of the new
7 employer, the name of the supervisor and owner, and the work schedule, if known. Respondent
8 shall further notify the Board in writing within ten (10) days of a change in name, residence
9 address and mailing address, or phone number.

10 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
11 phone number(s) shall be considered a violation of probation.

12 **11. Tolling of Probation**

13 Except during periods of suspension, Respondent shall, at all times while on probation, be
14 employed as a Pharmacy Technician in California for a minimum of twenty (20) hours per
15 calendar month. Any month during which this minimum is not met shall toll the period of
16 probation, i.e., the period of probation shall be extended by one (1) month for each month during
17 which this minimum is not met. During any such period of tolling of probation, Respondent must
18 nonetheless comply with all terms and conditions of probation.

19 Should Respondent, regardless of residency, for any reason (including vacation) cease
20 working as a Pharmacy Technician for a minimum of twenty (20) hours per calendar month in
21 California, Respondent must notify the Board in writing within ten (10) days of cessation of work
22 and must further notify the Board in writing within ten (10) days of the resumption of the work.
23 Any failure to provide such notification(s) shall be considered a violation of probation.

24 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
25 provisions of this condition for a total period, counting consecutive and non-consecutive months,
26 exceeding thirty-six (36) months.

27 "Cessation of work" means calendar month during which Respondent is not working
28 for at least twenty (20) hours as a Pharmacy Technician, as defined in Business and
Professions Code section 4115. "Resumption of work" means any calendar month during

1 which Respondent is working as a Pharmacy Technician for at least forty (40) hours as a
2 Pharmacy Technician as defined by Business and Professions Code section 4115.

3 **12. Violation of Probation**

4 If a Respondent has not complied with any term or condition of probation, the Board shall
5 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
6 until all terms and conditions have been satisfied or the Board has taken other action as deemed
7 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
8 to impose the penalty that was stayed.

9 If Respondent violates probation in any respect, the Board, after giving Respondent notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
12 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
13 a petition to revoke probation or an accusation is filed against Respondent during probation, the
14 Board shall have continuing jurisdiction, and the period of probation shall be automatically
15 extended until the petition to revoke probation or accusation is heard and decided.

16 **13. Completion of Probation**

17 Upon written notice by the Board indicating successful completion of probation, Respon-
18 dent's Pharmacy Technician Registration will be fully restored.

19 **14. No Ownership of Licensed Premises**

20 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
21 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
22 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
23 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
24 days following the effective date of the Decision and shall immediately thereafter provide written
25 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
26 documentation thereof shall be considered a violation of probation.

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1 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

2 Within thirty (30) days of the effective date of this Decision, Respondent shall begin
3 regular attendance at a recognized and established substance abuse recovery support group in
4 California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved
5 by the Board or its designee. Respondent must attend at least one group meeting per week unless
6 otherwise directed by the Board or its designee. Respondent shall continue regular attendance
7 and submit signed and dated documentation confirming attendance with each quarterly report for
8 the duration of probation. Failure to attend or submit documentation thereof shall be considered a
9 violation of probation.

10 **16. Random Drug Screening**

11 Respondent, at her own expense, shall participate in random testing, including but not
12 limited to, biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
13 screening program as directed by the Board or its designee. Respondent may be required to
14 participate in testing for the entire probation period and the frequency of testing will be
15 determined by the Board or its designee. At all times, Respondent shall fully cooperate with the
16 Board or its designee, and shall, when directed, submit to such tests and samples for the detection
17 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or
18 its designee may direct. Failure to timely submit to testing as directed shall be considered a
19 violation of probation. Upon request of the Board or its designee, Respondent shall provide
20 documentation from a licensed practitioner that the prescription for a detected drug was
21 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely
22 provide such documentation shall be considered a violation of probation. Any confirmed positive
23 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a
24 documented medical treatment shall be considered a violation of probation, and shall result in the
25 automatic suspension of work by Respondent. Respondent may not resume work as a Pharmacy
26 Technician until notified by the Board in writing.

27 During suspension, Respondent shall not enter any pharmacy area or any portion of or any
28 other Board licensed premises (wholesaler, veterinary food-animal drug retailer or any other

1 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
2 devices or controlled substances are maintained. Respondent shall not do any act involving drug
3 selection, selection of stock, manufacturing, compounding or dispensing. Nor shall Respondent
4 manage, administer, or assist any licensee of the Board. Respondent shall not have access to or
5 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
6 substances. Respondent shall not resume work until notified by the Board.

7 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
8 Subject to the above restrictions, Respondent may continue to own or hold an interest in any
9 licensed premises in which he holds an interest at the time the Decision becomes effective unless
10 otherwise specified in this order.

11 Failure to comply with this suspension shall be considered a violation of probation.

12 **17. Work Site Monitor**

13 Within ten (10) days of the effective date of this Decision, Respondent shall identify a work
14 site monitor, for prior approval by the Board, who shall be responsible for supervising
15 Respondent during working hours. Respondent shall be responsible for ensuring that the work
16 site monitor reports in writing to the Board quarterly. Should the designated work site monitor
17 determine at any time during the probationary period that Respondent has not maintained
18 sobriety, he shall notify the Board immediately, either orally or in writing as directed. Should
19 Respondent change employment, a new work site monitor must be designated, for prior approval
20 by the Board, within ten (10) days of commencing new employment. Failure to identify an
21 acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to
22 the Board, shall be considered a violation of probation.

23 **18. Notification of Departure**

24 Prior to leaving the probationary geographic area designated by the Board or its designee
25 for a period greater than twenty-four (24) hours, Respondent shall notify the Board verbally and
26 in writing of the dates of departure and return. Failure to comply with this provision shall be
27 considered a violation of probation.

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1 **19. Abstain from Drugs and Alcohol Use**

2 Respondent shall completely abstain from the possession or use of alcohol, controlled
3 substances, dangerous drugs and their associated paraphernalia except when the drugs are
4 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
5 request of the Board or its designee, Respondent shall provide documentation from the licensed
6 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
7 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
8 violation of probation. Respondent shall ensure that he is not in the same physical location as
9 individuals who are using illicit substances even if Respondent is not personally ingesting the
10 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
11 not supported by the documentation timely provided, and/or any physical proximity to persons
12 using illicit substances, shall be considered a violation of probation.

13 **20. Prescription Coordination and Monitoring of Prescription Use**

14 Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the
15 Board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
16 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the Decision,
17 Respondent's history with the use of alcohol, controlled substances, and/or dangerous drugs, and
18 who will coordinate and monitor any prescriptions for Respondent for dangerous drugs,
19 controlled substances, or mood-altering drugs. The approved practitioner shall be provided with a
20 copy of the Board's Decision in Case No. 4427. (See copy of the Statement of Issues, attached
21 hereto.) A record of this notification must be provided to the Board upon request. Respondent
22 shall sign a release authorizing the practitioner to communicate with the Board about
23 Respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or
24 psychiatrist shall report to the Board on a quarterly basis for the duration of probation regarding
25 Respondent's compliance with this condition. If any substances considered addictive have been
26 prescribed, the report shall identify a program for the time limited use of any such substances.
27 The Board may require that the single coordinating physician, nurse practitioner, physician
28 assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive

1 medicine. Should Respondent, for any reason, cease supervision by the approved practitioner,
2 Respondent shall notify the Board immediately and, within thirty (30) days of ceasing treatment,
3 submit the name of a replacement physician designee for its prior approval. Failure to timely
4 submit the selected practitioner or replacement practitioner to the Board for approval, or to ensure
5 the required reporting thereby on the quarterly reports, shall be considered a violation of
6 probation.

7 If at any time an approved practitioner determines that Respondent is unable to practice
8 safely or independently as a Pharmacist Technician, the practitioner shall notify the Board
9 immediately by telephone and follow up by written letter within three (3) days. Upon notification
10 from the Board or its designee of this determination, Respondent shall be automatically
11 suspended and shall not resume practice until notified by the Board that practice may be resumed.

12 During suspension, Respondent shall not enter any pharmacy area or any portion of the
13 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
14 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
15 or controlled substances are maintained. Respondent shall not practice as a Pharmacy Technician
16 nor do any act involving drug selection, selection of stock, manufacturing, compounding,
17 dispensing, or patient consultation. Nor shall Respondent manage, administer, or be a consultant
18 to any licensee of the Board, or have access to or control the ordering, manufacturing, or
19 dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice
20 until notified by the Board.

21 During suspension, Respondent shall not engage in any activity that requires the
22 professional judgment of a Pharmacy Technician. Respondent shall not direct or control any
23 aspect of the practice of Pharmacy Technician. Respondent shall not perform the duties of a
24 Pharmacy Technician or a designated representative for any entity licensed by the Board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in
26 any licensed premises in which he or she holds an interest at the time this Decision becomes
27 effective unless otherwise specified in this order.

28 ///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Tedd Mehr. I understand the stipulation and the effect it will have
4 on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
6 of the Board of Pharmacy.

7
8 DATED: _____

9 CHLOE DARRAGH SWEENEY
Respondent

10 I have read and fully discussed with Respondent Chloe Darragh Sweeney the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13
14 DATED: _____

15 TEDD A. MEHR, ESQ.
Attorney for Respondent

16
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20
21 DATED: 3-14-2013

Respectfully submitted,

22 KAMALA D. HARRIS
Attorney General of California
23 JANICE K. LACHMAN
Supervising Deputy Attorney General

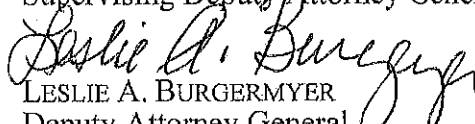
24 
25 LESLIE A. BURGERMYER
26 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Statement of Issues No. 4427

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 4427

13 **CHLOE DARRAGH SWEENEY**

STATEMENT OF ISSUES

14 **Applicant for Pharmacy Technician**
15 **Registration**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold ("Complainant") brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
22 ("Board").

23 2. On or about January 9, 2012, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a Pharmacy Technician Registration from Chloe Darragh
25 Sweeney ("Respondent"). On or about November 30, 2011, Respondent certified under penalty
26 of perjury to the truthfulness of all statements, answers, and representations in the application.

27 The Board denied the application on June 21, 2012.

28 ///

1 (1) The conviction of a crime substantially related to the qualifications,
2 functions, and duties of a licensee under this chapter. The record of conviction of a
3 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
4 States Code regulating controlled substances or of a violation of the statutes of this
5 state regulating controlled substances or dangerous drugs shall be conclusive
6 evidence of unprofessional conduct. In all other cases, the record of conviction shall
7 be conclusive evidence only of the fact that the conviction occurred. The board may
8 inquire into the circumstances surrounding the commission of the crime, in order to
9 fix the degree of discipline or, in the case of a conviction not involving controlled
10 substances or dangerous drugs, to determine if the conviction is of an offense
11 substantially related to the qualifications, functions, and duties of a licensee under
12 this chapter. A plea or verdict of guilty or a conviction following a plea of nolo
13 contendere is deemed to be a conviction within the meaning of this provision. The
14 board may take action when the time for appeal has elapsed, or the judgment of
15 conviction has been affirmed on appeal or when an order granting probation is made
16 suspending the imposition of sentence, irrespective of a subsequent order under
17 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
18 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
19 dismissing the accusation, information, or indictment.

20 (p) Actions or conduct that would have warranted denial of a license.

21 7. Section 480 of the Code states:

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

24 (1) Been convicted of a crime. A conviction within the meaning of this section
25 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
26 Any action that a board is permitted to take following the establishment of a
27 conviction may be taken when the time for appeal has elapsed, or the judgment of
28 conviction has been affirmed on appeal, or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code.

(3)(A) Done any act that if done by a licentiate of the business or profession in
question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the
crime or act is substantially related to the qualifications, functions, or duties of the
business or profession for which application is made.

(b) Notwithstanding any other provision of this code, no person shall be
denied a license solely on the basis that he or she has been convicted of a felony if he
or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing
with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been
convicted of a misdemeanor if he or she has met all applicable requirements of the
criteria of rehabilitation developed by the board to evaluate the rehabilitation of a
person when considering the denial of a license under subdivision (a) of Section 482.

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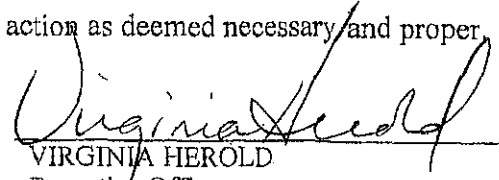
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2. Taking such other and further action as deemed necessary and proper.

DATED: 1/7/13



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

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