

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

In the Matter of the Statement of Issues Against:

Case No. 5001

OAH No. 2014-050256

**JAMIE WILSON ASH**

3340 Grover Avenue

Colusa, CA 95932

Pharmacy Technician Registration Applicant

Respondent.

**DECISION AND ORDER**

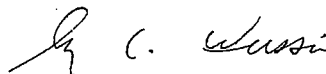
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 30, 2014.

It is so ORDERED on July 23, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STAN 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**

11 In the Matter of the Statement of Issues  
Against:

12 **JAMIE WILSON ASH**

13 **Pharmacy Technician Registration**  
14 **Applicant**

15 Respondent.

Case No. 5001

OAH No. 2014-050256

16 **STIPULATED SETTLEMENT AND**  
17 **DISCIPLINARY ORDER**

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings 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 Kristina T. Jansen, Deputy Attorney  
23 General.

24 2. Respondent Jamie Wilson Ash ("Respondent") is represented in this proceeding by  
25 attorney David R. Nelson, whose address is: Clark & Nelson, Attorneys at Law, 521 Market  
26 Street, P.O. Box 968, Colusa, CA 95932

27 3. On or about May 2, 2013, Respondent filed an application dated May 2, 2013, with  
28 the Board of Pharmacy to obtain registration as a Pharmacy Technician.

1 **JURISDICTION**

2 4. Statement of Issues No. 5001 was filed before the Board of Pharmacy (Board),  
3 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of  
4 Issues and all other statutorily required documents were properly served on Respondent on April  
5 23, 2014.

6 5. A copy of Statement of Issues No. 5001 is attached as exhibit A and incorporated  
7 herein by reference.

8 **ADVISEMENT AND WAIVERS**

9 6. Respondent has carefully read, fully discussed with counsel, and understands the  
10 charges and allegations in Statement of Issues No. 5001. Respondent has also carefully read,  
11 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
12 Disciplinary Order.

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

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

22 **CULPABILITY**

23 9. Respondent admits the truth of each and every charge and allegation in Statement of  
24 Issues No. 5001.

25 10. Respondent agrees that her Pharmacy Technician is subject to denial and she agrees  
26 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

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1 CONTINGENCY

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

11 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
13 (PDF) and facsimile signatures thereto, shall have the same force and 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:

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Respondent Jamie Wilson Ash will be issued a Pharmacy  
25 Technician license and said license will be immediately revoked. The revocation will be stayed  
26 and the Respondent placed on four (4) years probation on the following terms and conditions.

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

28 Respondent shall be automatically suspended from working as a pharmacy technician until

1 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
2 satisfactory proof of certification to the board. Respondent shall not begin working as a  
3 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
4 year shall be considered a violation of probation. Respondent shall not begin working as a  
5 pharmacy technician until notified by the board.

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

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

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

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  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  
24 substances laws  
25  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
26 criminal complaint, information or indictment  
27  a conviction of any crime  
28  discipline, citation, or other administrative action filed by any state or federal agency

1 which involves respondent's pharmacy technician license or which is related to the  
2 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
3 or charging 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 its  
17 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
18 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
19 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 number 5001 and the terms, conditions and restrictions imposed  
27 on respondent by the decision, as follows:

28 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of

1 respondent undertaking any new employment, respondent shall cause her direct supervisor,  
2 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
3 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
4 individual(s) has/have read the decision in case number 5001 and the terms and conditions  
5 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or  
6 supervisor(s) submit timely acknowledgement(s) to the board.

7 If respondent works for or is employed by or through a pharmacy employment service,  
8 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
9 of the terms and conditions of the decision in case number 5001 in advance of the respondent  
10 commencing work at each pharmacy. A record of this notification must be provided to the board  
11 upon request.

12 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
13 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
14 service, respondent shall cause her direct supervisor with the pharmacy employment service to  
15 report to the board in writing acknowledging that she has read the decision in case number 5001  
16 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
17 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

26 **7. Probation Monitoring Costs**

27 Respondent shall pay any costs associated with probation monitoring as determined by the  
28 board each and every year of probation. Such costs shall be payable to the board on a schedule as

1 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
2 be considered a violation of probation.

3 **8. Status of License**

4 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
5 technician license with the board, including any period during which suspension or probation is  
6 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

7 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
8 otherwise at any time during the period of probation, including any extensions thereof due to  
9 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
10 terms and conditions of this probation not previously satisfied.

11 **9. License Surrender While on Probation/Suspension**

12 Following the effective date of this decision, should respondent cease work due to  
13 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
14 respondent may tender her pharmacy technician license to the board for surrender. The board or  
15 its designee shall have the discretion whether to grant the request for surrender or take any other  
16 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
17 license, respondent will no longer be subject to the terms and conditions of probation. This  
18 surrender constitutes a record of discipline and shall become a part of the respondent's license  
19 history with the board.

20 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
21 license to the board within ten (10) days of notification by the board that the surrender is  
22 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
23 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
24 applicable to the license sought as of the date the application for that license is submitted to the  
25 board.

26 **10. Notification of a Change in Name, Residence Address, Mailing Address or**  
27 **Employment**

28 Respondent shall notify the board in writing within ten (10) days of any change of



1 employment. Said notification shall include the reasons for leaving, the address of the new  
2 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
3 shall further notify the board in writing within ten (10) days of a change in name, residence  
4 address and mailing address, or phone number.

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

7 **11. Tolling of Probation**

8 Except during periods of suspension, respondent shall, at all times while on probation, be  
9 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.  
10 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
11 period of probation shall be extended by one month for each month during which this minimum is  
12 not met. During any such period of tolling of probation, respondent must nonetheless comply  
13 with all terms and conditions of probation.

14 Should respondent, regardless of residency, for any reason (including vacation) cease  
15 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
16 respondent must notify the board in writing within ten (10) days of cessation of work and must  
17 further notify the board in writing within ten (10) days of the resumption of the work. Any  
18 failure to provide such notification(s) shall be considered a violation of probation.

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

22 "Cessation of work" means calendar month during which respondent is not  
23 working for at least 40 hours as a pharmacy technician, as defined in Business and  
24 Professions Code section 4115. "Resumption of work" means any calendar month  
25 during which respondent is working as a pharmacy technician for at least 40 hours as  
26 a pharmacy technician as defined by Business and Professions Code section 4115.

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1           **12. Violation of Probation**

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

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

14           **13. Completion of Probation**

15           Upon written notice by the board indicating successful completion of probation,  
16 respondent's pharmacy technician license will be fully restored.

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

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

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

26           Within thirty (30) days of the notification by the board or its designee of a positive test  
27 result (indicating the presence of drugs or alcohol) in any biological fluid testing or other drug  
28 screening program, respondent shall begin regular attendance at a recognized and established

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

7 **16. Random Drug Screening**

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

24 During suspension, respondent shall not enter any pharmacy area or any portion of or any  
25 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
26 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
27 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
28 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent

1 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
2 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
3 substances. Respondent shall not resume work until notified by the board.

4 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
5 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
6 licensed premises in which she holds an interest at the time this decision becomes effective unless  
7 otherwise specified in this order.

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

9 **17. Work Site Monitor**

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

20 **18. Notification of Departure**

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

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

26 Respondent shall completely abstain from the possession or use of alcohol, controlled  
27 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
28 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon

1 request of the board or its designee, respondent shall provide documentation from the licensed  
2 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
3 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
4 violation of probation. Respondent shall ensure that she is not in the same physical location as  
5 individuals who are using illicit substances even if respondent is not personally ingesting the  
6 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
7 not supported by the documentation timely provided, and/or any physical proximity to persons  
8 using illicit substances, shall be considered a violation of probation.

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

10       Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
11 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
12 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
13 history with the use of alcohol, controlled substances, and/or dangerous drugs, and who will  
14 coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled  
15 substances, and/or mood-altering drugs. The approved practitioner shall be provided with a copy  
16 of the board's accusation and decision. A record of this notification must be provided to the  
17 board upon request. Respondent shall sign a release authorizing the practitioner to communicate  
18 with the board about respondent's treatment(s). The coordinating physician, nurse practitioner,  
19 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of  
20 probation regarding respondent's compliance with this condition. If any substances considered  
21 addictive have been prescribed, the report shall identify a program for the time limited use of such  
22 substances. The board may require that a single coordinating physician, nurse practitioner,  
23 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in  
24 addictive medicine. Should respondent, for any reasons, cease supervision by the approved  
25 practitioner, respondent shall notify the board immediately and within thirty (30) days of ceasing  
26 treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or  
27 psychiatrist of respondent's choice to the board or its designee for prior approval. Failure to  
28 timely submit the selected practitioner or replacement practitioner to the board for approval, or to

1 ensure the required reporting thereby on the quarterly reports, shall be considered a violation of  
2 probation.

3 If at any time an approved practitioner determines that respondent is unable to practice  
4 safely or independently as a pharmacy technician, the practitioner shall notify the board  
5 immediately by telephone and follow up by written letter within three (3) working days. Upon  
6 notification from the board or its designee of this determination, respondent shall be  
7 automatically suspended and shall not resume practice until notified by the board that practice  
8 may be resumed.

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

18 During suspension, respondent shall not engage in any activity that requires the professional  
19 judgment of a pharmacy technician. Respondent shall not direct or control any aspect of the  
20 practice of pharmacy. Respondent shall not perform the duties of a designated representative for  
21 any entity licensed by the board.

22 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
23 licensed premises in which he holds an interest at the time this decision becomes effective unless  
24 otherwise specified in this order.

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

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, David R. Nelson. I understand the stipulation and the effect it will have on my Pharmacy Technician license. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

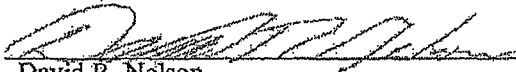
DATED: 6-30-14

  
\_\_\_\_\_  
JAMIE WILSON ASH  
Respondent

**APPROVAL AS TO FORM AND CONTENT**

I have read and fully discussed with Respondent Jamie Wilson Ash the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 6-30-14

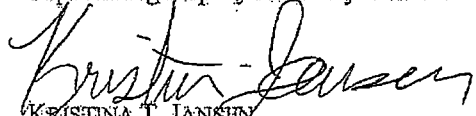
  
\_\_\_\_\_  
David R. Nelson  
Attorney for Respondent

**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated:

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

  
\_\_\_\_\_  
KRISTINA T. JANSEN  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A.**

**Statement of Issues No. 5001**



1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JANSEN  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
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11 In the Matter of the Statement of Issues  
Against:

Case No. 5001

12 **JAMIE WILSON ASH**

13 **STATEMENT OF ISSUES**

14 Respondent.

15  
16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
20 2. On or about May 2, 2013, the Board of Pharmacy, Department of Consumer Affairs  
21 received an application for registration as a Pharmacy Technician from Jamie Wilson Ash  
22 (Respondent). On or about May 2, 2013, Jamie Wilson Ash certified under penalty of perjury to  
23 the truthfulness of all statements, answers, and representations in the application. The Board  
24 denied the application on August 23, 2013.

25 **JURISDICTION**

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

1           4.    Section 480 of the Code states in pertinent part:  
2           “(a) A board may deny a license regulated by this code on the grounds that the applicant has  
3 one of the following:  
4           “(1) Been convicted of a crime. A conviction within the meaning of this section means a plea  
5 or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is  
6 permitted to take following the establishment of a conviction may be taken when the time for  
7 appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order  
8 granting probation is made suspending the imposition of sentence, irrespective of a subsequent  
9 order under the provisions of Section 1203.4 of the Penal Code.  
10          “(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
11 would be grounds for suspension or revocation of license.  
12          “(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
13 substantially related to the qualifications, functions, or duties of the business or profession for  
14 which application is made...”  
15          5.    Section 4301 of the Code states in pertinent part:  
16          “The board shall take action against any holder of a license who is guilty of unprofessional  
17 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
18 Unprofessional conduct shall include, but is not limited to, any of the following:  
19          “...  
20          “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
24 practice authorized by the license.  
25          “(l) The conviction of a crime substantially related to the qualifications, functions, and duties  
26 of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
3 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
4 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
5 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
7 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
8 of this provision...”

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(Substantially Related Criminal Convictions)**

11 6. Respondent's application is subject to denial pursuant to section 480, subdivision  
12 (a)(1), in that she has been convicted of the following crimes:

13 a. On or about November 17, 2010, in a criminal proceeding entitled *People v.*  
14 *Jamie Wilson Ash* in Colusa County Superior Court, Case number CR52303, Respondent was  
15 convicted by plea of guilty of violating Vehicle Code section 23152(b), driving under the influence  
16 of alcohol with a blood alcohol level of 0.08% by volume or greater, a misdemeanor. The  
17 circumstances are that on or about October 17, 2010, a law enforcement officer observed  
18 Respondent traveling at approximately 50 miles per hour in a 35 mile per hour zone. Respondent  
19 was also observed swerving significantly into oncoming traffic. A breath test returned results  
20 indicating that Respondent's blood alcohol level was 0.22% and 0.24% by volume.

21 b. On or about July 3, 2013, in a criminal proceeding entitled *People v. Jamie*  
22 *Wilson Ash* in Colusa County Superior Court, Case number CR54876, Respondent was convicted  
23 after a plea of no contest of violating Vehicle Code section 23152(b), driving under the influence  
24 of alcohol with a blood alcohol level of 0.08% by volume or greater, a misdemeanor. The  
25 circumstances are that on or about February 14, 2013, law enforcement officers observed  
26 Respondent driving off a sidewalk with a flat tire. Respondent continued driving and swerving in  
27 and out of traffic lanes. A blood test returned results indicating that Respondent's blood alcohol  
28 level was 0.15% by volume.

1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 (Acts Which, If Done By a Licensee, Would Be Cause For Discipline)

3 7. Respondent's application is subject to denial pursuant to section 480, subdivision  
4 (a)(3)(A) in that she committed the following acts which, if done by a licensee, would be cause for  
5 discipline:

6 a. Unprofessional conduct as defined by section 4301, subdivision (h), in that  
7 Respondent consumed alcohol on or about October 17, 2010, and February 14, 2013, to an extent  
8 or in a manner to be dangerous or injurious to herself or others. The circumstances are as set forth  
9 in paragraph 6 (a) and (b), above.

10 b. Unprofessional conduct as defined by section 4301, subdivision (l), in that  
11 Respondent has been convicted of substantially related crimes as set forth in paragraph 6 (a) and  
12 (b), above.

13 **PRAYER**

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

- 16 1. Denying the application of Jamie Wilson Ash for registration as a Pharmacy  
17 Technician;  
18 2. Taking such other and further action as deemed necessary and proper.

19  
20  
21 DATED: 4/8/14

*Virginia Herold*  
\_\_\_\_\_  
VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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