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

In the Matter of the Accusation Against:

Case No. 5474

**JENNIFER LYNN CARROLL**  
4614 Harrison Avenue  
Redding, California 96001

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**Pharmacy Technician Registration Number  
No. TCH 117184**

Respondent.

FINDINGS OF FACT

1. On or about February 29, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5474 against Jennifer Lynn Carroll (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 17, 2011, the Board of Pharmacy (Board) issued Pharmacy Technician Registration Number No. TCH 117184 to Respondent. The Pharmacy Technician Registration Number expired on February 28, 2015, and has not been renewed.

///

1           3.    On or about March 16, 2016, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 5474, 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 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is:

7 4614 Harrison Avenue  
8 Redding, California 96001.

9           4.    Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.    On or about March 23, 2016, the aforementioned documents were returned by the  
13 U.S. Postal Service marked "Unable to Forward." The address on the documents was the same as  
14 the address on file with the Board. Respondent failed to maintain an updated address with the  
15 Board and the Board has made attempts to serve the Respondent at the address on file.  
16 Respondent has not made herself available for service and therefore, has not availed herself of her  
17 right to file a notice of defense and appear at hearing.

18           6.    Government Code section 11506(c) states, in pertinent part:

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

24           7.    Respondent failed to file a Notice of Defense within 15 days after service upon her of  
25 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5474.

26           8.    California Government Code section 11520(a) states, in pertinent part:

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

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration Number No. TCH 117184, heretofore issued to Respondent Jennifer Lynn Carroll, is revoked.

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

This Decision shall become effective at 5:00 p.m. on July 1, 2016.

It is so ORDERED on June 1, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

12223527.DOC  
DOJ Matter ID:SA2015103668

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JENNIFER LYNN CARROLL)

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 DAVID E. BRICE  
Deputy Attorney General  
4 State Bar No. 269443  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-8010  
Facsimile: (916) 327-8643  
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 Accusation Against:

Case No. 5474

12 **JENNIFER LYNN CARROLL**  
13 **4614 Harrison Avenue**  
**Redding, California 96001**

**A C C U S A T I O N**

14 **Pharmacy Technician Registration No.**  
15 **TCH 117184**

16 Respondent.

17  
18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

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

22 2. On or about October 17, 2011, the Board issued Pharmacy Technician Registration  
23 TCH 117184 to Jennifer Lynn Carroll ("Respondent"). The license was in full force and effect at  
24 all times relevant to the charges brought herein. The registration expired on February 28, 2015,  
25 and has not been renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 4300(a) states that every license  
3 issued may be suspended or revoked.

4 4. Code section 4011 states:

5 The board shall administer and enforce this chapter and the Uniform  
6 Controlled Substances Act (Division 10 (commencing with Section 11000) of the  
Health and Safety Code).

7 5. Code section 4300.1 states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued  
9 license by operation of law or by order or decision of the board or a court of law, the  
10 placement of a license on a retired status, or the voluntary surrender of a license by a  
licensee shall not deprive the board of jurisdiction to commence or proceed with any  
11 investigation of, or action or disciplinary proceeding against, the licensee or to render  
a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Code section 4301 states, in pertinent part:

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

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

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

DATED: 2/29/16

*Virginia Herold*

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

SA2015103668  
Carroll - Accusation.doc