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8	BEFORE THE BOARD OF PHARMACY	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Accusation Against:	Case No. 5474
12		Sano 110. 5474
13	JENNIFER LYNN CARROLL	DEFAULT DECISION AND ORDER
14	4614 Harrison Avenue Redding, California 96001	
15		[Gov. Code, §11520]
16	Pharmacy Technician Registration Number No. TCH 117184	•
17	Respondent.	
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19		
20	FINDINGS OF FACT	
21	1. On or about February 29, 2016, Complainant Virginia K. Herold, in her official	
22	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,	
23	filed Accusation No. 5474 against Jennifer Lynn Carroll (Respondent) before the Board of	
24	Pharmacy. (Accusation attached as Exhibit A.)	
25	2. On or about October 17, 2011, the Board of Pharmacy (Board) issued Pharmacy	
26	Technician Registration Number No. TCH 117184 to Respondent. The Pharmacy Technician	
27	Registration Number expired on February 28, 2015, and has not been renewed.	
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3. On or about March 16, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5474, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is:

4614 Harrison Avenue Redding, California 96001.

- 4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.
- 5. On or about March 23, 2016, the aforementioned documents were returned by the U.S. Postal Service marked "Unable to Forward." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made attempts to serve the Respondent at the address on file. Respondent has not made herself available for service and therefore, has not availed herself of her right to file a notice of defense and appear at hearing.
  - 6. Government Code section 11506(c) states, in pertinent part:
  - (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.
- 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5474.
  - 8. California Government Code section 11520(a) states, in pertinent part:
  - (a) If the respondent either fails to file a notice of defense... or to appear at 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 1 IT IS SO ORDERED that Pharmacy Technician Registration Number No. TCH 117184, 2 heretofore issued to Respondent Jennifer Lynn Carroll, is revoked. 3 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a 4 written motion requesting that the Decision be vacated and stating the grounds relied on within 5 seven (7) days after service of the Decision on Respondent. The agency in its discretion may 6 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute. 7 This Decision shall become effective at 5:00 p.m. on July 1, 2016. 8 It is so ORDERED on June 1, 2016. 9 10 BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS 11 STATE OF CALIFORNIA 12 13 14 By 15 Amy Gutierrez, Pharm.D. 16 **Board President** 17 12223527,DOC DOJ Matter ID:SA2015103668 18 19 Attachment: Exhibit A: Accusation 20 21 22 23 24 25 26 27 28

# 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		
4	Deputy Attorney General State Bar No. 269443		
5	1300 I Street, Suite 125 P.O. Box 944255		
6	Sacramento, CA 94244-2550 Telephone: (916) 324-8010		
7	Facsimile: (916) 327-8643 Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Accusation Against: Case No. 5474		
12	JENNIFER LYNN CARROLL		
13	4614 Harrison Avenue     A C C U S A T I O N		
14	Pharmacy Technician Registration No. TCH 117184		
15			
16	Respondent.		
17			
18	Virginia Herold ("Complainant") alleges:		
19	<u>PARTIES</u>		
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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(JENNIFER LYNN CARROLL) ACCUSATION

### **JURISDICTION**

- 3. Business and Professions Code ("Code") section 4300(a) states that every license issued may be suspended or revoked.
  - 4. Code section 4011 states:

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

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the 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 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

### **STATUTORY PROVISIONS**

6. Code section 4301 states, in pertinent part:

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

(I) The conviction of a crime substantially related to the qualifications, 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 States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive 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 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 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 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 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 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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### FIRST CAUSE FOR DISCIPLINE

### (Criminal Conviction)

Respondent is subject to disciplinary action pursuant to Code section 4301(l), on the grounds of unprofessional conduct, in that on or about October 29, 2014, in the case of People v. Jennifer Lynn Carroll (Shasta County Superior Court, Case No. MCRDCR-F-14-0005236-002), Respondent was convicted by the court on her plea of guilty of violating Penal Code section 422 (criminal threats), a felony. The circumstances of the crime were that on or about August 22, 2014, Respondent did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to K.R., with the specific intent that the statement be taken as a threat. K.R. was reasonably in sustained fear of her safety and the safety of her immediate family, in that Respondent was pounding on K.R.'s front door of her residence and demanding to see her child while attempting to gain entry by trying to push open a window and threatening K.R.'s life. K.R. believed that Respondent might have been in possession of a firearm at that time. The incident occurred at a time when a domestic violence restraining order was in effect against the Respondent by K.R. following an incident that occurred on or about January 23, 2014, wherein Respondent threatened K.R.'s life while trying to gain entry by force into K.R.'s residence, resulting in a physical altercation between Respondent and K.R. The crime is substantially related to the qualifications, functions, and duties of a licensed pharmacy technician.

### PRAYER

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

- 1. Revoking or suspending Pharmacy Technician Registration Number TCH 117184, issued to Jennifer Lynn Carroll;
- 2. Ordering Jennifer Lynn Carroll to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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1	3. Taking such other and further action as deemed necessary and proper.	
2	DATED: 2/29/16	Ouerina Kuld
3	V	YIRGINIA HEROLD executive Officer
4	B	Board of Pharmacy Department of Consumer Affairs tate of California
5		tate of California Complainant
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		4 (JENNIFER LYNN CARROLL) ACCUSATION