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

In the Matter of the Accusation Against:
LISA ANN HASENBERG
3110 Jefferson Street C
Carlsbad, CA 92008
Pharmacy Technician Registration No. TCH 77620
Respondent.

Case No. 5608
**DEFAULT DECISION
AND ORDER**
[Gov. Code, §11520]

FINDINGS OF FACT

1. On December 21, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5608 against Lisa Ann Hasenberg (Respondent) before the Board of Pharmacy(Board). (Accusation attached as Exhibit A.)
2. On August 10, 2007, the Board issued Pharmacy Technician Registration No. TCH 77620 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5608 and will expire on November 30, 2016, unless renewed.
3. On December 31, 2015, Respondent was served by Certified and First Class Mail copies of Accusation No. 5608, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)

1 at Respondent's address of record which, pursuant to Business and Professions Code (Code)
2 section 4100, is required to be reported and maintained with the Board. Respondent's address of
3 record was and is 3110 Jefferson Street C, Carlsbad, CA 92008.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and Code section 124.

6 5. On January 12, 2016, the aforementioned documents were returned by the U.S.
7 Postal Service marked "Addressee Unknown." The address on the documents was the same as
8 the address on file with the Board. Respondent failed to maintain an updated address with the
9 Board and the Board has made attempts to serve the Respondent at the address on file.
10 Respondent has not made herself available for service and therefore, has not availed herself of
11 her right to file a notice of defense and appear at hearing.

12 6. Government Code section 11506 states, in pertinent part:

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

18 7. Respondent failed to file a Notice of Defense within 15 days after service upon
19 her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation
20 No. 5608.

21 8. California Government Code section 11520 states, in pertinent part:

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 5608, finds that

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1 the charges and allegations in Accusation No. 5608, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for
5 Investigation and Enforcement is \$2,090.00 as of February 8, 2016.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Lisa Ann Hasenberg has
8 subjected her Pharmacy Technician Registration No. TCH 77620 to discipline.

9 2. The agency has jurisdiction to adjudicate this case by default.

10 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy
11 Technician Registration based upon the following violations alleged in the Accusation which are
12 supported by the evidence contained in the Default Decision Evidence Packet in this case:

13 a. Respondent has subjected her Pharmacy Technician Registration to
14 discipline under Code section 4301, subdivision (h) in that Respondent used alcohol to the extent
15 and in a manner that impaired her ability to conduct with safety to the public the practice
16 authorized by her pharmacy technician registration. The circumstances are that on March 26,
17 2015, while under the influence of alcohol, Respondent reported for work as a registered
18 pharmacy technician at a Costco pharmacy in Carlsbad, California.

19 b. Respondent has subjected her Pharmacy Technician Registration to
20 discipline under Code section 4301, subdivision (o), in that Respondent was under the influence
21 of alcoholic beverages while on duty and selling or dispensing drugs on March 26, 2015, at a
22 retail pharmacy, in violation of Code section 4327, a state law of California governing pharmacy.

23 c. Respondent has subjected her Pharmacy Technician Registration to
24 discipline under Code section 4301, subdivision (p), in that on March 26, 2015, Respondent used
25 alcohol to the extent and in a manner that impaired her ability to conduct with safety to the
26 public, a violation of pharmacy law and conduct that would have warranted the denial of a
27 pharmacy technician registration under Code section 480, subdivision (a)(1).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 77620, heretofore issued to Respondent Lisa Ann Hasenberg, 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 April 1, 2016.

It is so ORDERED March 2, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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DOJ Matter ID:SD2015802304

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(LISA ANN HASENBERG)

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

11 In the Matter of the Accusation Against:

Case No. 5608

12 **LISA ANN HASENBERG**
13 **3110 Jefferson Street C**
Carlsbad, CA 92008

ACCUSATION

14 **Pharmacy Technician Registration No. TCH 77620**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On August 10, 2007, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 77620 to Lisa Ann Hasenberg (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on November 30, 2016, unless renewed.

25 **JURISDICTION**

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

1 (h) The administering to oneself, of any controlled substance, or the use of
2 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
3 dangerous or injurious to oneself, to a person holding a license under this chapter,
4 or to any other person or to the public, or to the extent that the use impairs the
ability of the person to conduct with safety to the public the practice authorized by
the license.

5

6 (o) Violating or attempting to violate, directly or indirectly, or assisting in
7 or abetting the violation of or conspiring to violate any provision or term of this
8 chapter or of the applicable federal and state laws and regulations governing
pharmacy, including regulations established by the board or by any other state or
federal regulatory agency.

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

10

11 9. Section 4327 of the Code states:

12 Any person who, while on duty, sells, dispenses or compounds any drug
13 while under the influence of any dangerous drug or alcoholic beverages shall be
guilty of a misdemeanor.

14 REGULATORY PROVISIONS

15 10. California Code of Regulations, title 16, section 1770, states:

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

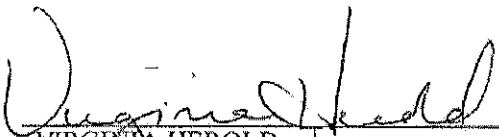
21 COST RECOVERY

22 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
26 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
27 may be included in a stipulated settlement.

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1. Revoking or suspending Pharmacy Technician Registration Number TCH 77620, issued to Lisa Ann Hasenberg;
2. Ordering Lisa Ann Hasenberg 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.
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/21/15 

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

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