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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. 5649

**DEFAULT DECISION AND ORDER**

**SARAH MICHELLE WENTWORTH**  
2622 Wilson Avenue #4  
Redding, CA 96002  
Original Pharmacy Technician Registration  
No. TCH 106086

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 19, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the California Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5649 against Sarah Michelle Wentworth (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about October 12, 2010, the Board of Pharmacy (Board) issued Original Pharmacy Technician Registration No. TCH 106086 to Respondent. The Original Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5649 and expired on February 29, 2016. This lapse in licensure, however,

1 pursuant to Business and Professions Code sections 4300.1 does not deprive the Board of its  
2 authority to institute or continue this disciplinary proceeding.

3 3. On or about March 14, 2016, Respondent was served by Certified and First Class  
4 Mail copies of the Accusation No. 5649, Statement to Respondent, Notice of Defense, Request  
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
8 record was and is:

9 2622 Wilson Avenue #4  
10 Redding, CA 96002

11 4. Service of the Accusation was effective as a matter of law under the provisions of  
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
13 124.

14 5. Government Code section 11506(c) states, in pertinent part:

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

20 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 5649.

22 7. California Government Code section 11520(a) states, in pertinent part:

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

27 8. Pursuant to its authority under Government Code section 11520, the Board finds  
28 Respondent is in default. The Board will take action without further hearing and, based on the  
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. 5649, finds that

1 the charges and allegations in Accusation No. 5649, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 9. 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 Investigation  
5 and Enforcement is \$1,270.00 as of April 6, 2016.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Sarah Michelle Wentworth has  
8 subjected her Original Pharmacy Technician Registration No. TCH 106086 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 Original 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 4. Respondent violated Business and Professions Code section 4301(l) and (f), on the  
14 grounds of unprofessional conduct, in that Respondent committed crimes that are substantially  
15 related to the qualifications, functions, and duties of a licensed pharmacy technician, as follows:

16 a. On or about April 24, 2015, in a criminal proceeding entitled *People v. Sarah*  
17 *Michelle Wentworth*, Superior Court of California, County of Shasta, Case No. MC RD CRTR  
18 15-0001564, Respondent was convicted by the court on her plea of no contest to violating  
19 Vehicle Code section 23152(a) (driving under the influence of alcohol), a misdemeanor. The  
20 circumstances of the crime are that on or about February 13, 2015, an officer with the Redding  
21 Police Department detained Respondent, who drove her vehicle the wrong way down a one-way  
22 street. The officer observed that Respondent's eyes were red and watery, her speech was slurred,  
23 and the strong odor of an alcoholic beverage emitted from her vehicle. Respondent told the  
24 officer she consumed a beverage containing vodka. Respondent was unable to perform field  
25 sobriety tests as explained and demonstrated. Respondent's breath alcohol content was  
26 .13%/.12%, and her blood alcohol content was .16%.

27 b. On or about September 9, 2015, in a criminal proceeding entitled *People v.*  
28 *Sarah Michelle Wentworth*, Superior Court of California, County of Shasta, Case No. MC RD

1 CRF 15-0003992, Respondent was convicted by the court on her plea of no contest to violating  
2 Penal Code section 503 (embezzlement of over \$950), a felony. Respondent was ordered to pay  
3 fines, fees, and victim restitution in the amount of \$3,000.<sup>1</sup> The circumstances of the crime are  
4 that between February 2015 and March 2015, Respondent stole at least \$3,000 from a gas station  
5 while working as a cashier.

6 5. Respondent violated Business and Professions Code section 4301(h), in that on or  
7 about February 13, 2015, Respondent used alcoholic beverages in a manner dangerous or  
8 injurious to herself and others, as more fully set forth in paragraph 4, subparagraph a, above.

9 ORDER

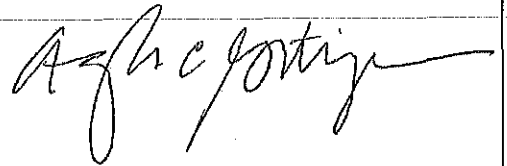
10 IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 106086,  
11 heretofore issued to Respondent Sarah Michelle Wentworth, is revoked.

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

16 This Decision shall become effective at 5:00 p.m. on June 9, 2016.

17 It is so ORDERED on May 10, 2016.

18 BOARD OF PHARMACY  
19 DEPARTMENT OF CONSUMER AFFAIRS  
20 STATE OF CALIFORNIA

21 

22  
23 By \_\_\_\_\_  
24 Amy Gutierrez, Pharm.D.  
25 Board President

26  
27 <sup>1</sup> Restitution was reduced to \$2,472.22 as Respondent forfeited to the gas station the last  
28 paycheck received as partial restitution. The court ordered that upon payment of all fees, fines,  
and restitution, the felony would be reduced to a misdemeanor.

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12211176.DOC  
SA2015105707  
Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(SARAH MICHELLE WENTWORTH)

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 MALISSA N. SIEMANTEL  
Deputy Attorney General  
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Sacramento, CA 94244-2550  
6 Telephone: (916) 327-7855  
Facsimile: (916) 324-5567  
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:  
12 **SARAH MICHELLE WENTWORTH**  
2622 Wilson Avenue #4  
13 Redding, CA 96002  
14 **Original Pharmacy Technician Registration**  
15 **No. TCH 106086**  
16 **Respondent.**

Case No. 5649

**ACCUSATION**

17 Virginia Herold ("Complainant") alleges:

18 **PARTIES**

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

21 **Original Pharmacy Technician Registration**

22 2. On or about October 12, 2010, the Board issued Original Pharmacy Technician  
23 Registration Number TCH 106086 to Sarah Michelle Wentworth ("Respondent"). The original  
24 pharmacy technician registration was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on February 29, 2016; unless renewed.

26 ///  
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1 state regulating controlled substances or dangerous drugs shall be conclusive  
2 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
3 be conclusive evidence only of the fact that the conviction occurred. The board may  
4 inquire into the circumstances surrounding the commission of the crime, in order to  
5 fix the degree of discipline or, in the case of a conviction not involving controlled  
6 substances or dangerous drugs, to determine if the conviction is of an offense  
7 substantially related to the qualifications, functions, and duties of a licensee under this  
8 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
9 contendere is deemed to be a conviction within the meaning of this provision. The  
10 board may take action when the time for appeal has elapsed, or the judgment of  
11 conviction has been affirmed on appeal or when an order granting probation is made  
12 suspending the imposition of sentence, irrespective of a subsequent order under  
13 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
14 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
15 dismissing the accusation, information, or indictment.

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

For the purpose of denial, suspension, or revocation of a personal or facility  
license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
Professions Code, a crime or act shall be considered substantially related to the  
qualifications, functions or duties of a licensee or registrant if to a 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.

#### COST RECOVERY

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

#### FIRST CAUSE FOR DISCIPLINE

(Criminal Convictions)

8. Respondent is subject to disciplinary action pursuant to Code section 4301(l), on the  
grounds of unprofessional conduct, in that Respondent committed crimes that are substantially  
related to the qualifications, functions, and duties of a licensed pharmacy technician, as follows:

a. On or about April 24, 2015, in a criminal proceeding entitled *People v. Sarah  
Michelle Wentworth*, Superior Court of California, County of Shasta, Case No. MC RD CRTR  
15-0001564, Respondent was convicted by the court on her plea of no contest to violating

1 Vehicle Code section 23152(a) (driving under the influence of alcohol), a misdemeanor. The  
2 circumstances of the crime are that on or about February 13, 2015, an officer with the Redding  
3 Police Department detained Respondent, who drove her vehicle the wrong way down a one-way  
4 street. The officer observed that Respondent's eyes were red and watery, her speech was slurred,  
5 and the strong odor of an alcoholic beverage emitted from her vehicle. Respondent told the  
6 officer she consumed a beverage containing vodka. Respondent was unable to perform field  
7 sobriety tests as explained and demonstrated. Respondent's breath alcohol content was  
8 .13%/.12%, and her blood alcohol content was .16%.

9 b. On or about September 9, 2015, in a criminal proceeding entitled *People v. Sarah*  
10 *Michelle Wentworth*, Superior Court of California, County of Shasta, Case No. MC RD CRF  
11 15-0003992, Respondent was convicted by the court on her plea of no contest to violating Penal  
12 Code section 503 (embezzlement of over \$950), a felony. Respondent was ordered to pay fines,  
13 fees, and victim restitution in the amount of \$3,000.<sup>1</sup> The circumstances of the crime are that  
14 between February 2015 and March 2015, Respondent stole at least \$3,000 from a gas station  
15 while working as a cashier.

16 **SECOND CAUSE FOR DISCIPLINE**

17 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

18 9. Respondent is subject to disciplinary action pursuant to Code section 4301(f), for  
19 unprofessional conduct, in that Respondent committed acts of moral turpitude, dishonesty, fraud,  
20 deceit, or corruption, as set forth in paragraph 8, subparagraph b, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 (Use of Alcohol Beverages in a Dangerous or Injurious Manner)

23 10. Respondent is subject to disciplinary action pursuant to Code section 4301(h), in that  
24 on or about February 13, 2015, Respondent used alcoholic beverages in a manner dangerous or  
25 injurious to herself and others, as more fully set forth in paragraph 8, subparagraph a, above.

26 \_\_\_\_\_  
27 <sup>1</sup> Restitution was reduced to \$2,472.22 as Respondent forfeited to the gas station the last  
28 paycheck received as partial restitution. The court ordered that upon payment of all fees, fines,  
and restitution, the felony would be reduced to a misdemeanor.

PRAYER

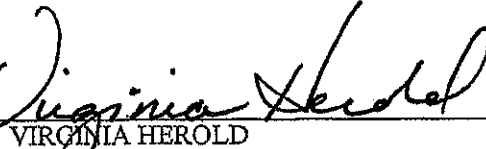
1  
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Original Pharmacy Technician Registration Number  
5 TCH 106086, issued to Sarah Michelle Wentworth;

6 2. Ordering Sarah Michelle Wentworth to pay the Board of Pharmacy the reasonable  
7 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
8 Code section 125.3; and,

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

10  
11 DATED: 2/19/16



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

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