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

In the Matter of the Accusation Against:  
**CASEY SCOTT DUCKWALL**  
**4406 Charleston Place Circle**  
**Nashville, TN 94122**  
**Intern Pharmacist Registration No. INT**  
**37089**  
  
Respondent.

Case No. 5878  
OAH No. 2017031249  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about September 8, 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. 5878 against Casey Scott Duckwall (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about October 15, 2015, the Board of Pharmacy (Board) issued Intern Pharmacist Registration No. INT 37089 to Respondent. The Intern Pharmacist Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5878 and will expire on March 31, 2020, unless renewed.

1           3.     On or about September 16, 2016, Respondent was served by regular and certified  
2 mail copies of the Accusation No. 5878, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is:

7 4406 Charleston Place Circle  
8 Nashville, TN 94122 .

9           On or about January 27, 2017. Respondent was also served at:

10 8 Locksley Avenue, Apt. 5 M  
11 San Francisco, CA 94122

12           4.     Service of the Accusation was effective as a matter of law under the provisions of  
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
14 124.

15           5.     On or about December 29, 2016, the aforementioned documents sent to the Nashville  
16 address were returned by the U.S. Postal Service marked "Return to Sender Unable to Forward."  
17 On February 13, 2017, Respondent filed a Notice of Defense listing his address as: 8 Locksley  
18 Avenue, Apt 5M, San Francisco, CA 94112.

19           6.     On or about February 9, 2017, Respondent signed and returned a Notice of Defense,  
20 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's  
21 address of record and it informed him that an administrative hearing in this matter was scheduled  
22 for June 6, 2017. Respondent failed to appear at that hearing.

23           7.     Government Code section 11506(c) states, in pertinent part:

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

29           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

1 the hearing, the agency may take action based upon the respondent's express  
2 admissions or upon other evidence and affidavits may be used as evidence without  
any notice to respondent . . . .

3 9. Pursuant to its authority under Government Code section 11520, the Board finds  
4 Respondent is in default. The Board will take action without further hearing and, based on the  
5 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
6 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
7 file at the Board's offices regarding the allegations contained in Accusation No. 5878, finds that  
8 the charges and allegations in Accusation No. 5878, are separately and severally, found to be true  
9 and correct by clear and convincing evidence.

10 10. Taking official notice of its own internal records, pursuant to Business and  
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
12 and Enforcement is \$1,905.00 as of June 1, 2017.

13 DETERMINATION OF ISSUES

14 1. Based on the foregoing findings of fact, Respondent Casey Scott Duckwall has  
15 subjected his Intern Pharmacist Registration No. INT 37089 to discipline.

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

17 3. The Board of Pharmacy is authorized to revoke Respondent's Intern Pharmacist  
18 Registration based upon the following violations alleged in the Accusation which are supported  
19 by the evidence contained in the Default Decision Evidence Packet in this case.:

20 a. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
21 Code section 4301, subdivision (l), in that on or about February 11, 2016, in the criminal  
22 proceeding entitled *People vs. Casey S. Duckwall* (San Francisco County Super. Ct., Case No.  
23 16000959), Respondent was convicted by the Court on his plea of nolo contendere of violating  
24 Vehicle Code section 23152, subdivision (b) (driving while having a 0.08 percent or higher blood  
25 alcohol), a misdemeanor, a crime substantially related to the qualifications, functions, and duties  
26 of an intern pharmacist.

27 b. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
28 Code section 4301, subdivision (h), in that Respondent used alcoholic beverages to an extent or in

1 a manner dangerous or injurious to himself, others, and the public, as set forth in paragraph a,  
2 above.

3  
4 ORDER

5 IT IS SO ORDERED that Intern Pharmacist Registration No. INT 37089, heretofore issued  
6 to Respondent Casey Scott Duckwall, is revoked.

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

11 This Decision shall become effective at 5:00 p.m. on August 10, 2017.

12 It is so ORDERED on July 11, 2017.

13  
14 BOARD OF PHARMACY  
15 DEPARTMENT OF CONSUMER AFFAIRS  
16 STATE OF CALIFORNIA

17 

18  
19 By \_\_\_\_\_  
20 Amy Gutierrez, Pharm.D.  
21 Board President

22 default decision\_LIC.rtf  
23 DOJ Matter ID:SA2016102807

24 Attachment:  
25 Exhibit A: Accusation

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
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. 5878
12 <b>CASEY SCOTT DUCKWALL</b>	
13 <b>4406 Charleston Place Circle</b>	
13 <b>Nashville, TN 94122</b>	<b>ACCUSATION</b>
14 <b>Intern Pharmacist Registration No. INT 37089</b>	
15 Respondent.	

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.
- 21 2. On or about October 15, 2015, the Board issued Intern Pharmacist Registration  
22 Number INT 37089 to Casey Scott Duckwall ("Respondent"). The intern pharmacist registration  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 March 31, 2020, unless renewed.

25 **JURISDICTION/STATUTORY PROVISIONS**

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

1 4. Code section 4300 states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the  
4 board, whose default has been entered or whose case has been heard by the board and  
found guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one  
8 year.

9 (4) Revoking his or her license.

10 (5) Taking any other action in relation to disciplining him or her as the  
board in its discretion may deem proper . . .

11 5. Code section 4300.1 states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued  
13 license by operation of law or by order or decision of the board or a court of law, the  
14 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  
15 investigation of, or action or disciplinary proceeding against, the licensee or to render  
a decision suspending or revoking the license.

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

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

20 . . . .

21 (h) The administering to oneself, of any controlled substance, or the use  
22 of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
dangerous or injurious to oneself, to a person holding a license under this chapter, or  
23 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.

24 . . . .

25 (l) The conviction of a crime substantially related to the qualifications,  
26 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  
27 States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
28 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 . . .

#### **COST RECOVERY**

7. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee 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.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Criminal Conviction)**

8. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (1), in that on or about February 11, 2016, in the criminal proceeding entitled *People vs. Casey S. Duckwall* (San Francisco County Super. Ct., Case No. 16000959), Respondent was convicted by the Court on his plea of nolo contendere of violating Vehicle Code section 23152, subdivision (b) (driving while having a 0.08 percent or higher blood alcohol), a misdemeanor, a crime substantially related to the qualifications, functions, and duties of an intern pharmacist. The circumstances of the crime are as follows: On or about January 15, 2016, officers with the San Francisco Police Department responded to the intersection of Fillmore Street and Post Street regarding a drunk driver involved in a non-injury traffic collision. Upon arrival, the officers observed a male subject, later identified as Respondent, sitting in the driver seat of a vehicle with the engine still running. One of the officers approached Respondent and could immediately smell the odor of alcohol coming from his breath. The officer pulled Respondent out of the vehicle and walked him over to the sidewalk. Respondent was stumbling and had trouble keeping his balance as he walked. The officer observed that Respondent was slurring his words and was unable to remember any of his contact information or insurance



1 information. Later, Respondent underwent a chemical test of his blood and was determined to  
2 have a blood alcohol level of 0.30 percent.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Alcoholic Beverages to an Extent or in a Manner**  
5 **Dangerous or Injurious to Oneself, Others and the Public)**

6 9. Respondent is subject to disciplinary action for unprofessional conduct pursuant to  
7 Code section 4301, subdivision (h), in that Respondent used alcoholic beverages to an extent or in  
8 a manner dangerous or injurious to himself, others, and the public, as set forth in paragraph 8  
9 above.

10 **PRAYER**

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

- 13 1. Revoking or suspending Intern Pharmacist Registration Number INT 37089, issued to  
14 Casey Scott Duckwall;
- 15 2. Ordering Casey Scott Duckwall to pay the Board of Pharmacy the reasonable costs of  
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
17 125.3; and
- 18 3. Taking such other and further action as deemed necessary and proper.

19  
20 DATED: \_\_\_\_\_

9/8/16

*Virginia Herold*

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

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