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

In the Matter of the Statement of Issues Against:

Case No. 6153

CASEY BROOKE JAEKE

Pharmacy Technician Applicant

STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC REPROVAL

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on October 18, 2017.

It is so ORDERED on September 18, 2017.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Amy Gutierrez, Pharm.D. Board President

1	XAVIER BECERRA		
2	Attorney General of California KENT D. HARRIS		
3	Supervising Deputy Attorney General DAVID E. BRICE		
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5	1300 I Street, Suite 125 P.O. Box 944255		
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7	Facsimile: (916) 327-8643 E-mail: David.Brice@doj.ca.gov Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	In the Matter of the Statement of Issues	Case No. 6153	
12	Against:	STIPULATED SETTLEMENT AND	
13 14	CASEY BROOKE JAEKE	DISCIPLINARY ORDER FOR PUBLIC REPROVAL	
15	Pharmacy Technician Applicant	[Bus. & Prof. Code § 495]	
16	Respondent.		
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18	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-		
19	entitled proceedings that the following matters are true:		
20	PARTIES		
21	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy		
22	(Board). She brought this action solely in her official capacity and is represented in this matter by		
23	Xavier Becerra, Attorney General of the State of California, by David E. Brice, Deputy Attorney		
24	General.		
25	2. Casey Brooke Jacke (Respondent) is representing herself in this proceeding and has		
26	chosen not to exercise her right to be represented by counsel.		
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STIP SETTLEMENT & DISC ORDER FOR PUBLIC REPROVAL (6153)

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JURISDICTION

- 3. On or about July 11, 2016, the Board received a Pharmacy Technician application from Respondent. The Board denied the application on March 24, 2017. Respondent timely requested a hearing with respect to the denial.
- 4. Statement of Issues No. 6153 was filed before the Board and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on July 18, 2017. A copy of Statement of Issues No. 6153 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

- 5. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 6153. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.
- 6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.
- 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

- 8. Respondent admits the truth of each and every charge and allegation in Statement of Issues No. 6153.
- 9. Respondent agrees that her Pharmacy Technician application is subject to denial, and she agrees to be bound by the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

 11. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the Pharmacy Technician Application of Respondent Casey Brooke Jacke is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a Pharmacy Technician Registration shall be issued to Respondent. Said registration shall be publicly reproved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Statement of Issues No. 6153, attached as exhibit A. Respondent is required to report this reproval as a disciplinary action.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order for Public Reproval. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

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Casey Brooke Jaulu

Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated:

89/2017

Respectfully submitted,

XAVIER BECERRA Attorney General of California

KENT D. HARRIS

Supervising Deputy Attorney General

DAVID E. BRICE

Deputy Attorney General Attorneys for Complainant

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Exhibit A

Statement of Issues No. 6153

1	XAVIER BECERRA			
2	Attorney General of California KENT D. HARRIS			
3	Supervising Deputy Attorney General DAVID E. BRICE			
ما	Deputy Attorney General			
4	State Bar No. 269443 1300 I Street, Suite 125			
5	P.O. Box 944255			
6.	Sacramento, CA 94244-2550 Telephone: (916) 324-8010			
	Facsimile: (916) 327-8643			
7	E-mail: David Brice@doj.ca.gov Attorneys for Complainant			
8	BEFORE THE			
9	BOARD OF PHARMACY			
01	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA			
11	In the Matter of the Statement of Issues	Case No. 6153		
12	Against:			
13	CASEY BROOKE JAEKE			
14		STATEMENT OF ISSUES		
	Pharmacy Technician Applicant			
15	Respondent.			
16				
17	Cómplainant alleges:			
18	-	PARTIES		
19				
20	1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official			
	capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer			
21	Affairs.			
22	the second secon			
23	· · · · · · · · · · · · · · · · · · ·			
24	from Casey Brooke Jacke (Respondent). On or about July 6, 2016, Respondent certified under			
	penalty of perjury to the truthfulness of all statements, answers, and representations in the			
2 5	application. The Board denied the application on March 24, 2017.			
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STATEMENT OF ISSUES

STATUTORY AND REGULATORY PROVISIONS

- 3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
 - 4. Section 480 of the Code states, in pertinent part:

- (a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- (B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.
- (d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.
- 5. Section 4300(c) of the Code states, in portinent part: "The board may refuse a license to any applicant guilty of unprofessional conduct...."
 - 6. Section 4301 of the Code 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 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

- (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- (g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

 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.

FACTUAL BACKGROUND

8. On or about May 19, 2011, in a criminal proceeding entitled *People v. Casey Brooke*Calhoun-Jacke in El Dorado County Superior Court, Case Number \$10CRF0330, Respondent
was convicted by plea of guilty to two violations of Penal Code section 530.5(a) (identity theft),
both misdemeanors. The circumstances are that on or about October 29, 2010, and again on or
about November 28, 2010, Respondent obtained the personal indentifying information of D.J.C.
without authorization, and used that information to apply for credit cards in the name of D.J.C.
without consent. Respondent was sentenced to 3 years summary probation, 480 hours of
community service, and ordered to maintain involvement in employment, educational activities,
or community service for not less than 5 days a week, 8 hours a day. On or about May 24, 2013,
the case was dismissed under Penal Code section 1203.4. In a letter to the Board dated October 7,
2016, Respondent admitted to applying for credit cards using D.J.C's name and information.

FIRST CAUSE FOR DENIAL OF APPLICATION

(False Statement on Application for Licensure)

9. Respondent's application is subject to denial under Code sections 480(d), 4300(c), and 4301(g) in that Respondent knowingly made a false statement of fact on her application for a license. The circumstances are that Respondent marked "No" to the question on her application regarding prior convictions, and thus failed to disclose the conviction set forth in paragraph 8 above.

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(False Statement) Respondent's application is subject to denial under Code sections 480(a)(2), 4300(c), and 4301(f) in that Respondent was guilty of unprofessional conduct in that she knowingly made a false statement with the intent to benefit herself. The circumstances are set forth in paragraph 8 above. THIRD CAUSE FOR DENIAL OF APPLICATION (Act That Would Be Grounds for Suspension or Revocation of License) Respondent's application is subject to denial under Code sections 480(a)(3), 4300(c), and 4301(g) in that Respondent was guilty of unprofessional conduct in that she knowingly made a false statement with the intent to benefit herself, which would be grounds for suspension or revocation of a license. The circumstances are set forth in paragraph 8 above. 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: Denying the application of Casey Brooke Jacke for a Pharmacy Technician 1. Registration; Taking such other and further action as deemed necessary and proper. 2. 7/10/17 DATED: Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SA2017107265 12724580.docx

SECOND CAUSE FOR DENIAL OF APPLICATION

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