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

10 In the Matter of the Accusation Against:

Case No. 3272

11 **WENDY LYNN COOPER**  
12 **7272 Sonoma Avenue**  
13 **Alta Loma, CA 91701**

**A C C U S A T I O N**

14 **Pharmacy Technician Registration**  
15 **No. TCH 8392**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.  
22 2. On or about July 12, 1993, the Board issued Pharmacy Technician Registration  
23 Number TCH 8392 to Wendy Lynn Cooper (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on September 30, 2010, unless renewed.

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## JURISDICTION

3. This Accusation 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 4300 of the Code states:

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

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

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

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

"(4) Revoking his or her license.

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

5. Section 4301 of the Code states:

"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:

...

"(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.

...

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

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6. Section 4059 of the Code states, in pertinent part, that a person may not furnish any dangerous drug except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

7. Section 125.3 of the Code states, in pertinent part, that the 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.

## DANGEROUS DRUGS

8. Tramadol is the generic name for Ultram, which is classified as a dangerous drug pursuant to section 4022 of the Code.

## BACKGROUND

9. In or between January 12, 2007 and January 4, 2008, Respondent was an employee at San Antonio Community Hospital (SACH). On or about January 4, 2008, the pharmacist-in-charge of SACH Pharmacy informed the Board that Respondent was witnessed stealing Tramadol on or about December 27, 2007 and January 2, 2008. The incident from January 2, 2008, is captured by a video recording. Respondent was confronted and admitted the theft to the pharmacist-in-charge and staff pharmacist of SACH. Additionally, Respondent admitted to the Board's pharmacy investigator that she stole over 100 tablets of Tramadol from the SACH Pharmacy during the course of her employment

## FIRST CAUSE FOR DISCIPLINE

(Violation of Drug Laws)

10. Respondent is subject to disciplinary action under section 4301, subdivision (j), of the Code, on the grounds of unprofessional conduct, in that Respondent violated Code section 4059 by possessing Tramadol without a prescription, as more fully discussed in paragraph 9, above, which is herein incorporated by reference as set forth in whole.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), of the  
4 Code, in that Respondent committed dishonesty, fraud or deceit by stealing Tramadol from  
5 SACH as more fully discussed in paragraph 9, above, which is herein incorporated by reference  
6 as set forth in whole.

7 PRAYER

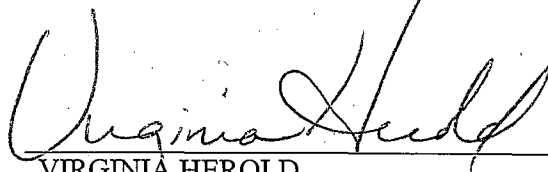
8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
9 and that following the hearing, the Board of Pharmacy issue a decision:

10 1. Revoking or suspending Pharmacy Technician Registration Number TCH 8392,  
11 issued to Wendy Lynn Cooper Wendy Lynn Cooper.

12 2. Ordering Wendy Lynn Cooper to pay the Board of Pharmacy the reasonable costs of  
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
14 125.3;

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

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17 DATED: 7/8/09



18 VIRGINIA HEROLD  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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26 accusation.rtf  
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