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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. 3903

12 **JENNEY MARIE GARRETT**

13 PO Box 1844
14 Sutter Creek, CA 95685

ACCUSATION

15 Pharmacy Technician Registration Number
16 TCH 96428

Respondent.

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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, Department of Consumer Affairs.

22 2. On or about January 14, 2010, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 96428 to Jenney Marie Garrett (Respondent). The Pharmacy Technician
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on December 31, 2011, unless renewed.

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1 CONTROLLED SUBSTANCE AT ISSUE

2 8. "Methamphetamine" is a Schedule II controlled substance as designated by Health
3 and Safety Code section 11055, subdivision (d)(2).

4 FIRST CAUSE FOR DISCIPLINE

5 (Use of Controlled Substances)

6 9. Respondent is subject to disciplinary action under section 4301, subsection (h) in that
7 on or about April 9, 2010, Respondent admitted to using the controlled substance
8 methamphetamine. The circumstances are that on or about April 9, 2010 at approximately 9:30
9 p.m., officers from San Mateo Police Department conducted a probation search of the residence
10 of a known drug user located in San Mateo, California. Respondent was the girlfriend of the
11 probationer whose home was being searched. Respondent displayed objective signs of being
12 under the influence (dilated pupils, rapid heart rate, sweating, thick speech, etc.) When
13 questioned by officers, Respondent admitted that she had used Methamphetamine at 8:00 p.m.
14 that evening with her boyfriend by snorting the controlled substance. Respondent did not have a
15 lawful purpose for using the controlled substance. Respondent also admitted to being a drug user
16 in the past.

17 SECOND CAUSE FOR DISCIPLINE

18 (Violation of Statute Regulating Controlled Substances)

19 10. Respondent is subject to disciplinary action under section 4301, subsection (j) in that
20 Respondent violated Health and Safety Code section 11550 subsection (a) which regulates the use
21 of controlled substances. The circumstances are that on or about April 9, 2010, Respondent
22 admitted to using methamphetamine 1.5 hours prior to the officers' arrival and was found to be
23 under the influence of methamphetamine by San Mateo Police officers, as further set forth in
24 paragraph 9, above.

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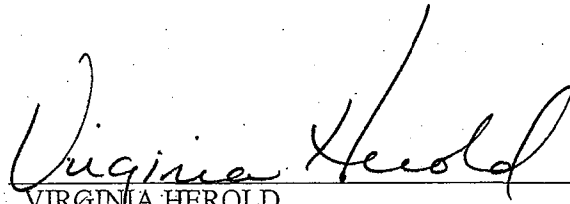
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PRAYER

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:

1. Revoking or suspending Pharmacy Technician License Number TCH 96428, issued to Jenney Marie Garrett;
2. Ordering Jenney Marie Garrett 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 12/30/10



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

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