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

12 In the Matter of the Accusation Against:

Case No. 3904

13 **MEGAN MICHELLE ROCKWELL**  
4149 Sebren Avenue  
14 Lakewood, CA 90713

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

15 Pharmacy Technician License No. TCH 93781

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, Department of Consumer Affairs ("Board").

22 2. On or about April 26, 2010, the Board of Pharmacy issued Pharmacy Technician  
23 License No. TCH 93781 to Megan Michelle Rockwell ("Respondent"). The Pharmacy  
24 Technician License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on May 31, 2011, unless renewed.

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1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
7 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
8 action during the period within which the license may be renewed, restored, reissued or  
9 reinstated.

10 5. Section 490 states:

11 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
12 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
13 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
14 or profession for which the license was issued.

15 (b) Notwithstanding any other provision of law, a board may exercise any authority to  
16 discipline a licensee for conviction of a crime that is independent of the authority granted under  
17 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
18 of the business or profession for which the licensee's license was issued.

19 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
20 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
21 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
22 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
23 made suspending the imposition of sentence, irrespective of a subsequent order under the  
24 provisions of Section 1203.4 of the Penal Code."

25 6. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or  
26 revoked."

27 7. Section 4301 states, in pertinent part:

28 "The board shall take action against any holder of a license who is guilty of unprofessional

1 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

2 Unprofessional conduct shall include, but is not limited to, any of the following:

3 . . . .

4 (h) The administering to oneself, of any controlled substance, or the use of any dangerous  
5 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
6 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
7 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
8 practice authorized by the license.

9 . . . .

10 (k) The conviction of more than one misdemeanor or any felony involving the use,  
11 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
12 combination of those substances...."

13 **REGULATORY PROVISION**

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

15 "For the purpose of denial, suspension, or revocation of a personal or facility license  
16 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
17 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
18 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
19 licensee or registrant to perform the functions authorized by his license or registration in a manner  
20 consistent with the public health, safety, or welfare."

21 **COST RECOVERY**

22 9. Section 125.3 states, in pertinent part, that the Board may request the administrative  
23 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
25 case.

26 **FIRST CAUSE FOR DISCIPLINE**

27 **(Convictions of Substantially-Related Crimes)**

28 10. Respondent is subject to disciplinary action under section 490, 4300, and 4301,

1 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
2 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
3 related to the qualifications, functions or duties of a registered pharmacy technician which to a  
4 substantial degree evidence her present or potential unfitness to perform the functions authorized  
5 by her registration in a manner consistent with the public health, safety, or welfare, as follow:

6 a. On or about August 25, 2010, after pleading *guilty*, Respondent was convicted of one  
7 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving a vehicle  
8 while under the influence of alcohol and/or drugs], in the criminal proceeding entitled *The People*  
9 *of the State of California v. Megan Michelle Rockwell* (Super. Ct. Los Angeles County, 2010, No.  
10 10NM08989). Respondent was sentenced to 60 days in Jail, placed on probation for a period of 5  
11 years, and fined. The circumstances surrounding the conviction are that on or about July 28,  
12 2010, an on duty Anaheim Police Officer, responded to a disturbance call, which lead to a routine  
13 traffic stop, pulling over Respondent for straddling over the lanes. The officer observed  
14 Respondent to have a strong smell of an alcoholic beverage emitting from her person, watery, red  
15 eyes, and slurred speech. Respondent was given a series of Standardized Field Sobriety Tests  
16 which she failed to complete satisfactorily. Respondent was subsequently given two blood test,  
17 with a final result of 0.15% alcohol content, as an average between the two blood samples.

18 b. On or about August 6, 2010, after pleading *nolo contendere*, Respondent was  
19 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)  
20 [driving a vehicle while having a 0.8% and more, by weight, of alcohol content in her blood], in  
21 the criminal proceeding entitled *The People of the State of California v. Megan Michelle*  
22 *Rockwell* (Super. Ct. Los Angeles County, 2010, No. LB 0LT01182). Respondent was sentenced  
23 to 60 days in Jail, placed on probation for a period of 5 years, and fined. The circumstances  
24 surrounding the conviction are that on or about May 21, 2010, an on duty Long Beach Police  
25 Officer was dispatched to an injury traffic accident in the city of Long Beach, where Respondent  
26 was a driver of the vehicle. Respondent displayed symptoms of being under the influence of an  
27 alcoholic beverage. Respondent was given a blood test, with a result of 0.19% alcohol content.

28 c. On or about January 14, 2008, after pleading *guilty*, Respondent was convicted of one

1 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving a vehicle  
2 while having a 0.8% and more, by weight, of alcohol content in her blood], in the criminal  
3 proceeding entitled *The People of the State of California v. Megan Michelle Rockwell* (Super. Ct.  
4 Los Angeles County, 2007, No. ELA7EA12943). Respondent was placed on probation for a  
5 period of 36 months, and fined. The circumstances surrounding the conviction are that on or  
6 about October 5, 2007, Respondent, while having 0.08% and more, by weight, of alcohol content  
7 in her blood, drove a vehicle.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcohol)**

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (h), in  
11 that Respondent used an alcoholic beverage in manner dangerous to herself and others.  
12 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
13 paragraph 10, subparagraphs (a), (b), and (c), inclusive, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Convictions Involving the Consumption of Alcohol)**

16 12. Respondent is subject to disciplinary action under section 4301, subdivision (k), in  
17 that Respondent was convicted of more than one misdemeanor involving the consumption of  
18 alcoholic beverages. Complainant refers to, and by this reference incorporates, the allegations set  
19 forth above in paragraph 10, subparagraphs (a), (b), and (c), inclusive, as though set forth fully.

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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 issue a decision:

1. Revoking or suspending Pharmacy Technician License No. TCH 93781, issued to Megan Michelle Rockwell;
2. Ordering Megan Michelle Rockwell to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

5/27/11



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

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