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

11 In the Matter of the Accusation Against:

Case No. 4881

12 **ALEXANDRA GRACE BUMGARDNER**
13 **AKA ALEXANDRA GRACE BAUMGARDNER**
14 **9175 Greenback Lane #104**
Orangevale, CA 95662

A C C U S A T I O N

15 **Pharmacy Technician Registration**
No. TCH 94914

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about October 19, 2009, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 94914 to Alexandra Grace Bumgardner, also known as (aka)
24 Alexandra Grace Baumgardner (Respondent). The Pharmacy Technician Registration was in full
25 force and effect at all times relevant to the charges brought herein and will expire on November
26 30, 2014, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300 of the Code states in pertinent part:

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

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

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

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

13 "(4) Revoking his or her license.

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

16 5. Section 4300.1 of the Code states:

17 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
18 of law or by order or decision of the board or a court of law, the placement of a license on a
19 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
20 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
21 against, the licensee or to render a decision suspending or revoking the license."

22 6. Section 4301 of the Code states in pertinent part:

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

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

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1 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by the
4 Board or by any other state or federal regulatory agency.”

5 7. Section 4060 of the Code states in pertinent part:

6 No person shall possess any controlled substance, except that furnished to a person upon the
7 prescription of a physician.

8 8. Health and Safety Code section 11377, subdivision (a) provides in pertinent part that
9 any person who possesses a drug specified in subdivision (d) of Health and Safety Code section
10 11055, unless upon the prescription of a physician, shall be punished by imprisonment.

11 **COST RECOVERY**

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

16 **DRUGS**

17 10. Health and Safety Code section 11055, subdivision (d), paragraph (2) defines
18 “Methamphetamine” as a Schedule II controlled substance.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Violation of Laws Governing Controlled Substances)**

21 11. Respondent is subject to disciplinary action on the grounds of unprofessional conduct
22 under section 4301, subdivision (j) in that on or about April 25, 2013, Respondent violated Health
23 and Safety Code section 11377, subdivision (a), by illegally possessing a Schedule II controlled
24 substance, Methamphetamine. The circumstances are as follows:

25 12. On or about April 25, 2013, Officer Owen of the Menifee Police Department observed
26 a great deal of smoke emitting from the inside of a parked vehicle. Officer Owen contacted the
27 occupants of the vehicle. Respondent was in the passenger seat of the vehicle.

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1 Officer Own searched a small makeup bag that belonged to Respondent and found a baggie filled
2 with a substance which proved to be methamphetamine.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Violation of Laws Governing Pharmacy)**

5 13. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that
6 on or about April 25, 2013, Respondent violated the laws governing pharmacy by possessing a
7 controlled substance without a prescription as provided by section 4060. The circumstances are as
8 stated in paragraph 12, above.

9 **PRAYER**

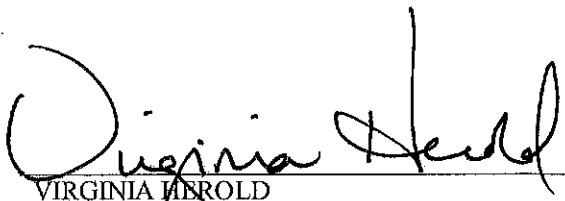
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 94914,
13 issued to Alexandra Grace Bumgardner, aka Alexandra Grace Baumgardner;

14 2. Ordering Alexandra Grace Bumgardner, aka Alexandra Grace Baumgardner to pay the
15 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant
16 to Business and Professions Code section 125.3;

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

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21 DATED: 12/2/13


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

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