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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. 5474

13 **JENNIFER LYNN CARROLL**  
4614 Harrison Avenue  
Redding, California 96001

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

14 **Pharmacy Technician Registration No.**  
15 **TCH 117184**

16 Respondent.

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18 Virginia Herold ("Complainant") alleges:

19 **PARTIES**

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

22 2. On or about October 17, 2011, the Board issued Pharmacy Technician Registration  
23 TCH 117184 to Jennifer Lynn Carroll ("Respondent"). The license was in full force and effect at  
24 all times relevant to the charges brought herein. The registration expired on February 28, 2015,  
25 and has not been renewed.

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1 **JURISDICTION**

2 3. Business and Professions Code ("Code") section 4300(a) states that every license  
3 issued may be suspended or revoked.

4 4. Code section 4011 states:

5 The board shall administer and enforce this chapter and the Uniform  
6 Controlled Substances Act (Division 10 (commencing with Section 11000) of the  
Health and Safety Code).

7 5. Code section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 6. Code section 4301 states, in pertinent part:

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

17 (l) The conviction of a crime substantially related to the qualifications,  
18 functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
19 States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
20 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
be conclusive evidence only of the fact that the conviction occurred. The board may  
21 inquire into the circumstances surrounding the commission of the crime, in order to  
fix the degree of discipline or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
22 substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
23 contendere is deemed to be a conviction within the meaning of this provision. The  
board may take action when the time for appeal has elapsed, or the judgment of  
24 conviction has been affirmed on appeal or when an order granting probation is made  
suspending the imposition of sentence, irrespective of a subsequent order under  
25 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
26 dismissing the accusation, information, or indictment.

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**FIRST CAUSE FOR DISCIPLINE**

**(Criminal Conviction)**

7. Respondent is subject to disciplinary action pursuant to Code section 4301(l), on the grounds of unprofessional conduct, in that on or about October 29, 2014, in the case of *People v. Jennifer Lynn Carroll* (Shasta County Superior Court, Case No. MCRDCR-F-14-0005236-002), Respondent was convicted by the court on her plea of guilty of violating Penal Code section 422 (criminal threats), a felony. The circumstances of the crime were that on or about August 22, 2014, Respondent did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to K.R., with the specific intent that the statement be taken as a threat. K.R. was reasonably in sustained fear of her safety and the safety of her immediate family, in that Respondent was pounding on K.R.'s front door of her residence and demanding to see her child while attempting to gain entry by trying to push open a window and threatening K.R.'s life. K.R. believed that Respondent might have been in possession of a firearm at that time. The incident occurred at a time when a domestic violence restraining order was in effect against the Respondent by K.R. following an incident that occurred on or about January 23, 2014, wherein Respondent threatened K.R.'s life while trying to gain entry by force into K.R.'s residence, resulting in a physical altercation between Respondent and K.R. The crime is substantially related to the qualifications, functions, and duties of a licensed pharmacy technician.

**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 Registration Number TCH 117184, issued to Jennifer Lynn Carroll;
  - 2. Ordering Jennifer Lynn Carroll 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; and,
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3. Taking such other and further action as deemed necessary and proper.

DATED: 2/29/16

*Virginia Herold*

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

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