

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In the Matter of the Accusation Against:  
**KALYNDA DALE WARD**  
2226 Washington Way  
Antioch, CA 94509  
**Pharmacy Technician License No. TCH 50138**  
  
Respondent.

Case No. 3670  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 23, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3670 against Kalynda Dale Ward (Respondent) before the Board of Pharmacy. (A true and correct copy of the Accusation is attached hereto as exhibit A.)

2. On or about August 8, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 50138 to Respondent. The License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2011, unless renewed.

3. On or about August 31, 2010, Respondent was served by Certified and First Class Mail with copies of: Accusation No. 3670; a Statement to Respondent, a Notice of Defense (2 copies); a Request for Discovery; and the Discovery Statutes (Gov. Code, §§ 11507.5, 11507.6, 11507.7) at Respondent's address of record, which was and is: 2226 Washington Way, Antioch, CA 94509. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes thereto, are required to be reported and maintained with the Board.

1 4. Service of the Accusation was effective as a matter of law under Government Code  
2 section 11505, subdivision (c) and/or Business and Professions Code section 124.

3 5. On or about September 3, 2010, the aforementioned documents were returned by the  
4 U.S. Postal Service marked "ANK" and/or "Attempted Not Known."

5 6. Government Code section 11506 states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
7 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
8 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

9 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
10 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3670.

11 8. California Government Code section 11520 states, in pertinent part:

12 (a) If the respondent either fails to file a notice of defense or to appear at the  
13 hearing, the agency may take action based upon the respondent's express admissions  
or upon other evidence and affidavits may be used as evidence without any notice to  
14 respondent.

15 9. Pursuant to its authority under Government Code section 11520, the Board finds  
16 Respondent is in default. The Board will take action without further hearing and, based on the  
17 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
18 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
19 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3670,  
20 finds that the charges and allegations in Accusation No. 3670, are separately and severally true  
21 and correct by clear and convincing evidence.

22 10. Taking official notice of its own internal records, pursuant to Business and  
23 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
24 and Enforcement are \$1,332.50 as of October 11, 2010.

25 DETERMINATION OF ISSUES

26 1. Based on the foregoing findings of fact, Respondent Kalynda Dale Ward has  
27 subjected her Pharmacy Technician License No. TCH 50138 to discipline.

28 2. The agency has jurisdiction to adjudicate this case by default.



**Exhibit A**

**Accusation**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3670

11 **KALYNDA DALE WARD**  
12 **2226 Washington Way**  
13 **Antioch, CA 94509**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH 50138**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about August 8, 2003, the Board of Pharmacy issued Pharmacy Technician  
21 Registration Number TCH 50138 to Kalynda Dale Ward (Respondent). The Pharmacy  
22 Technician Registration was in full force and effect at all times relevant to the charges brought  
23 herein and will expire on June 30, 2011, unless renewed.

24  
25 JURISDICTION

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



1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
2 licensee or registrant to perform the functions authorized by her license or registration in a  
3 manner consistent with the public health, safety, or welfare.”

4 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licensee found to have committed a violation of the licensing  
6 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

7  
8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of Substantially Related Crime(s))

10 11. Respondent is subject to discipline under section 4301(1) and/or section 490 of the  
11 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
12 substantially related crime(s), in that on or about January 12, 2009, in the criminal case *People v.*  
13 *Kalynda Ward*, Case No. 080610-9 in Contra Costa County Superior Court, Respondent was  
14 convicted of one (1) count of violating Penal Code section 245(a)(1) (Assault by both deadly  
15 weapon and force likely to produce great bodily injury), a felony, with an enhancement under  
16 Penal Code section 12022.7(e) for infliction of bodily injury under circumstances involving  
17 domestic violence as defined in Penal Code section 13700, as follows:

- 18 a. On or about April 27, 2008, Respondent was arrested by Antioch Police.  
19 b. On or about May 29, 2008, Respondent was charged in Case No. 080610-9 in  
20 Contra County Superior Court with violating (1) Penal Code section(s) 187(a)/664(a) (Attempted  
21 willful, deliberate, and premeditated murder), a felony, with enhancement pursuant to Penal Code  
22 section 12022.7(e) for domestic violence and a special allegation pursuant to Penal Code section  
23 969f for serious felony and/or use of a knife; (2) Penal Code section 245(a)(1) (Assault by both  
24 deadly weapon and force likely to produce great bodily injury), a felony, with enhancement per  
25 Penal Code section 12022.7(e) for domestic violence and a special allegation pursuant to Penal  
26 Code section 969f for serious felony and/or use of a knife; and (3) Penal Code section 273.5(a)  
27 (Inflicting corporal injury to spouse/cohabitant/child's parent), a felony, with enhancement per  
28 Penal Code section 12022.7(e) for domestic violence.

1 c. On or about January 12, 2009, Respondent pleaded nolo contendere and was  
2 convicted of violating Penal Code section 245(a)(1) (Assault by both deadly weapon and force  
3 likely to produce great bodily injury), a felony, with the domestic violence enhancement under  
4 Penal Code section 12022.7(e). The remaining charges were dismissed pursuant to the plea. On  
5 that date, Respondent was given a sentence of five (5) years in state prison, with the execution of  
6 this sentence suspended in favor of a period of formal probation of three (3) years, on terms and  
7 conditions including 365 days in jail (42 days credit for time served), fines, fees, and restitution,  
8 40 hours of community service, a stay-away order, counseling and a Domestic Violence program.

9  
10 SECOND CAUSE FOR DISCIPLINE

11 (Unprofessional Conduct)

12 12. Respondent is subject to discipline under section 4301 of the Code in that, as  
13 described in paragraph 11 above, Respondent engaged in unprofessional conduct.

14  
15 PRAYER

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

18 1. Revoking or suspending Pharmacy Technician License No. TCH 50138, issued to  
19 Kalynda Dale Ward (Respondent);

20 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
21 enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

23 DATED: 8/23/10

24 Virginia Herold  
25 VIRGINIA HEROLD  
26 Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

27 SF2010200607  
28 .20317171.doc