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

In the Matter of the Accusation Against:

Case No. 3702

**JENNIFER LAUREN ANCKLE**  
1301 Evarg Avenue  
Compton, CA 90220  
Pharmacy Technician Registration No. TCH  
64312

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Respondent.

**FINDINGS OF FACT**

1. On or about January 4, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3702 against Jennifer Lauren Anckle ("Respondent") before the Board of Pharmacy ("Board"). (Accusation attached as **Exhibit A.**)

2. On or about August 5, 2005, the Board issued Pharmacy Technician Registration No. TCH 64312 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless renewed.

3. On or about September 8, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3702, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and

1 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
2 section 4100, is required to be reported and maintained with the Board, which appeared as:

3 **1301 Rvarg Avenue**  
4 **Compton, CA 90220**

5 4. On or about December 4, 2010, the aforementioned documents were returned by the  
6 U.S. Postal Service marked "Unclaimed."

7 5. Then on or about January 4, 2011, Complainant attempted a second service by  
8 Certified and First Class Mail copies of the First Amended Accusation No. 3702, Supplemental  
9 Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes  
10 (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record  
11 which, pursuant to Business and Professions Code section 4100, is required to be reported and  
12 maintained with the Board, which was and is:

13 **1301 Evarg Avenue**  
14 **Compton, CA 90220**

15 6. Service of the Accusation was effective as a matter of law under the provisions of  
16 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
17 124.

18 7. Government Code section 11506 states, in pertinent part:

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

24 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
25 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3702.

26 9. California Government Code section 11520 states, in pertinent part:

27 (a) If the respondent either fails to file a notice of defense or to appear at the  
28 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  
respondent.

10 Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the

1 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
2 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
3 file at the Board's offices regarding the allegations contained in Accusation No. 3702, finds that  
4 the charges and allegations in Accusation No. 3702, are separately and severally, found to be true  
5 and correct by clear and convincing evidence.

6 11. Taking official notice of its own internal records, pursuant to Business and  
7 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
8 and Enforcement is \$3720.00 as of March 25, 2011.

9  
10 **DETERMINATION OF ISSUES**

11 1. Based on the foregoing findings of fact, Respondent Jennifer Lauren Anckle has  
12 subjected her Pharmacy Technician Registration No. TCH 64312 to discipline.

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

14 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
15 Registration based upon the following violations alleged in the Accusation which are supported  
16 by the evidence contained in the Default Decision Evidence Packet in this case:

17 a. Respondent is subject to disciplinary action under sections 4301, subdivision (l)  
18 and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that on  
19 July 1, 2009, Respondent was convicted for a crime substantially related to the qualifications,  
20 functions or duties of a pharmacy technician.

21 b. Respondent is subject to disciplinary action under section 4301, subdivision (f),  
22 in that, Respondent committed dishonest acts by stealing cash from her employer on numerous  
23 occasions.

24 c. Respondent is subject to disciplinary action under section 4301, subdivision (j),  
25 in conjunction with Health and Safety Code section 11054, subdivision (d)(13) in that  
26 Respondent was in possession of controlled substances in violation of state laws.

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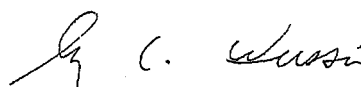
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 64312, heretofore issued to Respondent Jennifer Lauren Anckle, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on June 22, 2011.

It is so ORDERED May 23, 2011.



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STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

50866839.DOCX  
DOJ Matter ID:LA2010502525

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 EDMUND G. BROWN JR.  
 Attorney General of California  
 2 GLORIA A. BARRIOS  
 Supervising Deputy Attorney General  
 3 LANGSTON M. EDWARDS  
 Deputy Attorney General  
 4 State Bar No. 237926  
 300 So. Spring Street, Suite 1702  
 5 Los Angeles, CA 90013  
 Telephone: (213) 620-6343  
 6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

10 In the Matter of the First Amended Accusation  
 11 Against:

Case No. 3702

12 **JENNIFER LAUREN ANCKLE**  
 13 **1301 Rvarg Avenue**  
**Compton, CA 90220**  
 14 **Pharmacy Technician Registration No. TCH**  
**64312**

**FIRST AMENDED**  
**ACCUSATION**

15 Respondent.

16  
 17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about August 5, 2005, the Board of Pharmacy (Board) issued Pharmacy  
 23 Technician License No. TCH 64312 to Jennifer Lauren Anckle (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 April 30, 2011, unless renewed.

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JURISDICTION

3. This First Amended Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 states, in pertinent part:

“A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of 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 the provisions of Section 1203.4 of the Penal Code.”

5. Section 4300 states, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation or taking actions in relation to disciplining him or her as the board in its discretion deems proper.

6. Section 4301 states, in pertinent part:

“The board shall take action against any holder of a license who is guilty of unprofessional conduct ... Unprofessional conduct shall include, but is not limited to, any of the following:

.....  
(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.  
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(j) The violation of any of the statutes of this state or of the United States regulating controlled substances and dangerous drugs.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. [T]he record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may 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 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 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 conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a s subsequent order under 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 dismissing the accusation, information or indictment.”

**REGULATORY PROVISIONS**

7. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

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COST RECOVERY

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2 8. Section 125.3 states, in pertinent part, that the Board may request the administrative  
3 law-judge to direct a licentiate found to have committed a violation or violations of the licensing  
4 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
5 case.

CONTROLLED SUBSTANCE/DANGEROUS DRUG

6  
7 9. Marijuana is a hallucinogenic Schedule I controlled substance as defined in Health  
8 and Safety Code section 11054(d)(13). It is a dangerous drug according to Business and  
9 Professions Code section 4022.

FIRST CAUSE FOR DISCIPLINE

*(Convictions of Substantially Related Crime- Grand Theft)*

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12  
13 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
14 490, in conjunction with California Code of Regulations, title 16, section 1770, in that on July 1,  
15 2009, Respondent was convicted for a crime substantially related to the qualifications, functions  
16 or duties of a pharmacy technician as follows:

17 a. On or about July 1, 2009, after pleading nolo contendere, Respondent was  
18 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand  
19 theft: property over \$400] in the criminal proceeding entitled *People of the State of California v.*  
20 *Jennifer Ankle* (Super. Ct. Los Angeles County, 2009, No. 9LG05403). The Court sentenced  
21 Respondent to two days of jail and three years of probation with terms and conditions. The  
22 Respondent was also ordered to pay \$150.00 in fines, \$1000.00 in victim restitution and perform  
23 240 hours of community service.

24 b. The circumstances surrounding the conviction are that at the time of the  
25 Respondent's arrest on June 9, 2009, Respondent was employed as a pharmacy technician at  
26 Walgreens Drug Store ("Walgreen") in Harbor City. During the eight months prior, the  
27 Respondent was being investigated by Loss Prevention due to third party charges on her cash  
28

1 reports. After being interviewed by Loss Prevention, Respondent admitted stealing more than  
2 \$1000.00 over the last few months prior to her arrest.

3 c. Investigation by Loss Prevention, which included surveillance cameras revealed  
4 that the Respondent stole \$1203.03 from various cash registers on several different dates, ranging  
5 from September 2008 to January 2009. After being questioned, the Respondent turned herself in  
6 and was placed under arrest.

7  
8 **SECOND CAUSE FOR DISCIPLINE**

9 *(Dishonest Acts)*

10 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in  
11 that, Respondent committed dishonest acts by stealing cash from her employer on numerous  
12 occasions. Complainant refers to, and by this reference incorporates, the allegations set forth  
13 above in paragraph 9 and all subparagraphs, as though set forth fully herein.

14  
15 **THIRD CAUSE FOR DISCIPLINE**

16 *(Possession of a Controlled Substance)*

17 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), in  
18 conjunction with Health and Safety Code section 11054, subdivision (d)(13) in that Respondent  
19 was in possession of controlled substances in violation of state laws.

20 a. On or around February 4, 2010, Long Beach Police Officers conducted a  
21 probation compliance check of the Respondent's home, where she lived with her husband and  
22 two children. When the police officers asked the Respondent if there were any narcotics in the  
23 home, the Respondent directed the officers to numerous pieces of marijuana "sprinkled on the  
24 bed" next to several baggies. In an adjacent bedroom in a shoebox, there was a plastic bag  
25 containing "a large amount of marijuana and numerous small individually wrapped baggies of  
26 marijuana." Numerous children's toys and books were within reach of the narcotics.

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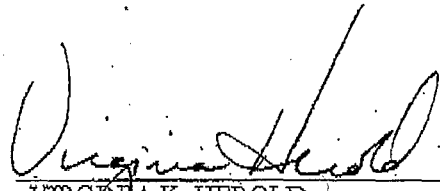
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PRAYER

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

1. Revoking or suspending Pharmacy Technician License No. TCH 64312, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/2/10



VIRGINIA K. HEROLD  
Executive Officer  
Board of Pharmacy  
State of California  
*Complainant*

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