

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

In the Matter of the Accusation Against:

Case No. 3904

MEGAN MICHELLE ROCKWELL
4149 Sebren Avenue
Lakewood, CA 90713

Pharmacy Technician License No.
TCH 93781

Respondent.

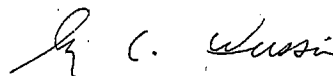
DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on May 25, 2012.

It is so ORDERED on April 25, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

ORIGINAL

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
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:
11 **MEGAN MICHELLE ROCKWELL**
12 **4149 Sebren Avenue**
13 **Lakewood, CA 90713**
Pharmacy Technician License No. TCH
14 **93781**
15 Respondent.

Case No. 3904
OAH No. L-2011070946
STIPULATED SURRENDER OF
LICENSE AND ORDER

16 In the interest of a prompt and speedy resolution of this matter, consistent with the public
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs
18 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
19 submitted to the Board for approval and adoption as the final disposition of the Accusation.

20 **PARTIES**

21 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Randy M. Mailman, Deputy Attorney
24 General.

25 2. Megan Michelle Rockwell is represented in this proceeding by attorney Charles
26 Kevin Stoddard, whose address is: 10231 Slater Avenue, Suite 100, Fountain Valley, California,
27 92708 .
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1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If she ever applies for licensure or petitions for reinstatement in the State of
8 California, the Board shall treat it as a new application for licensure. Respondent must comply
9 with all the laws, regulations and procedures for licensure in effect at the time the application or
10 petition is filed, and all of the charges and allegations contained in Accusation No. 3904 shall be
11 deemed to be true, correct and admitted by Respondent when the Board determines whether to
12 grant or deny the application or petition.

13 5. Respondent shall pay the agency its costs of investigation and enforcement in the
14 amount of \$3,040.00 prior to issuance of a new or reinstated license.

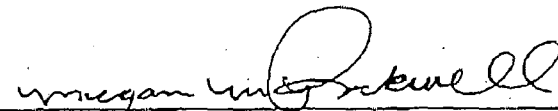
15 6. Respondent shall wait three years from the effective date to this Decision and Order
16 before applying for any license with the Board of Pharmacy. If Respondent should ever apply or
17 reapply for a new license or certification, or petition for reinstatement of a license, by any other
18 health care licensing agency in the State of California, all of the charges and allegations contained
19 in Accusation, No. 3904 shall be deemed to be true, correct, and admitted by Respondent for the
20 purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Charles Kevin Stoddard. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

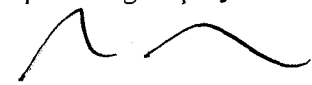
DATED: 3-7-2012 
MEGAN MICHELLE ROCKWELL
Respondent

I have read and fully discussed with Respondent Megan Michelle Rockwell the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3-7-12 
CHARLES KEVIN STODDARD
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 3/9/12 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General

RANDY M. MAILMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3904

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 R ANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3904

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

ACCUSATION

14
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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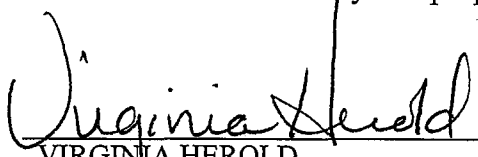
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PRAYER

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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