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

In the Matter of the Accusation Against:

**KELLI ANN WOOD
1819 West Houston Street
Fullerton, CA 92833**

**Pharmacy Technician Registration No. TCH
112134**

Respondent.

Case No. 4261

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 1, 2012, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4261 against Kelli Ann Wood (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about April 5, 2011, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH 112134, to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation

1 No. 4261 and would have expired on January 31, 2013, but was previously cancelled. This lapse
2 in licensure, however, pursuant to Business and Professions Code section 4300.1, does not
3 deprive the Board of its authority to institute or continue this disciplinary proceeding.

4 3. On or about June 13, 2012, Respondent was served by Certified and First Class Mail
5 copies of the Accusation No. 4261, Statement to Respondent, Notice of Defense, Request for
6 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
7 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
8 is required to be reported and maintained with the Board. Respondent's address of record was
9 and is: 1819 West Houston Street Fullerton, CA 92833. On or about June 18, 2012, a signed
10 certified mail receipt for package #7196 9008 9111 3006 3967 under which the Accusation
11 package was sent to Respondent, was received.

12 4. Service of the Accusation was effective as a matter of law under the provisions of
13 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
14 124.

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

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

21 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4261.

23 7. California Government Code section 11520 states, in pertinent part:

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

28 8. 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
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 4261, finds that
2 the charges and allegations in Accusation No. 4261, are separately and severally, found to be true
3 and correct by clear and convincing evidence.

4 9. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$2,047.50 as of May 9, 2013.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Kelli Ann Wood has subjected
9 her Pharmacy Technician Registration No. TCH 112134 to discipline.

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

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

14 a. Respondent is subject to disciplinary action under Business and Professions Code
15 Section 490 and 4301(l) for conviction of a crime substantially related to the qualifications,
16 functions, and duties of a pharmacy technician in that on or about June 22, 2011, in the criminal
17 proceeding entitled *People of the State of California vs. Kelli Ann Wood*, Superior Court of
18 California, County of Orange, North Justice Center case number 11NR1159, Respondent was
19 convicted by plea of guilty, to a felony violation of Penal Code section 273a(a)-Child Abuse.

20 b. Respondent is subject to disciplinary action under section 4301(p) for conduct that
21 would have warranted denial of a license based upon the conviction reference above.

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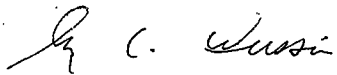
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 112134, heretofore issued to Respondent Kelli Ann Wood, 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 August 21, 2013.

It is so ORDERED July 22, 2013.


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

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Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

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

In the Matter of the Accusation Against:

KELLI ANN WOOD
1819 West Houston Street
Fullerton, CA 92833

Pharmacy Technician Registration
No. TCH 112134

Respondent.

Case No. 4261

ACCUSATION

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about April 5, 2011, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 112134 to Kelli Ann Wood (Respondent). The Pharmacy Technician Registration will expire on January 31, 2013, unless renewed.

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8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 4301 of the Code states:

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

(l) The conviction of a crime substantially related to the qualifications, 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 States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive 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 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 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.

(p) Actions or conduct that would have warranted denial of a license.

10. Title 16, California Code of Regulations, section 1769, states:

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

11. Title 16, California Code of Regulations, section 1770, states:

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.

COST RECOVERY

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

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1 FIRST CAUSE FOR DISCIPLINE

2 (June 22, 2011 Criminal Conviction for Child Abuse on April 12, 2011)

3 13. Respondent is subject to disciplinary action under sections 490 and 4301,
4 subdivisions (f) of the Code in that Respondent was convicted of a crime substantially related to
5 the qualifications, functions and duties of a pharmacy technician. The circumstances are as
6 follows:

7 14. On or about June 22, 2011, in a criminal proceeding entitled *People of the State of*
8 *California vs. Kelli Ann Wood*, in the Superior Court of California, County of Orange, North
9 Justice Center, in case number 11NF1159 F.A. Respondent was convicted, on her plea of guilty,
10 of violating Penal Code section 273a(a) (child abuse), a felony.

11 15. The circumstances that led to the conviction are that on or about April 12, 2011, Brea
12 Police Department officers responded to Anaheim Memorial Hospital in reference to a possible
13 child abuse incident. Upon arrival, officers learned that Fullerton P.D. had earlier conducted a
14 welfare check of baby G.C., an 8-month old female, at the residence of her father, C.C., who was
15 sitting with the baby in the emergency room waiting room, along with the baby's aunt, S.W.,
16 waiting to have baby G.C. examined by emergency room doctors.

17 16. After the baby and the baby's father were called into the emergency examining room,
18 officers made contact with S.W., the baby's aunt and Respondent's sister. S.W. told officers that
19 she had been at the baby's father's house when Respondent dropped the baby off earlier that day.
20 S.W. told officers that the father noticed the baby had bruising to the left eye, that he asked
21 Respondent how the baby's bruising happened, and that Respondent replied that she did not know
22 and stated that the baby had not been eating well and that the baby had been "depressed" lately.
23 S.W. told officers that when the father tried to obtain more information about the baby's injury,
24 that Respondent was unable to give a reasonable answer and that Respondent appeared nervous
25 and scared. When S.W. asked Respondent to take the baby to the hospital, Respondent refused
26 and became angry with her, accusing S.W. of taking the father's side, and S.W. then asked the
27 baby's father to get the police involved and to take the baby to a hospital. Once at the hospital,
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1 Respondent joined them and was detained by police, interviewed, and transported to the Brea
2 Police Department station and later booked in the county jail for child abuse.

3 17. On April 13, 2011, Brea P.D. detectives went to the Orange County Inmate Receiving
4 Center for Women to interview Respondent. Detectives, after advising Respondent of her rights,
5 told her they were there to speak about her baby daughter's injuries and how they occurred.
6 Respondent told detectives that she had been dating A.A.C. for approximately one month and that
7 he had become the primary care provider for the baby while Respondent was at work and
8 estimated that her boyfriend was with her baby for 8-9 hours per day. Detectives asked
9 Respondent if she knew how baby G.C. had sustained her injuries, and Respondent told detectives
10 that she did not know, that every time she questioned her boyfriend about the baby's bruising,
11 that he would tell her that he did not know and that the baby bruised easily. Respondent told
12 officers that she believed her boyfriend was capable of hurting the baby because of his temper,
13 and that her boyfriend sometimes went into rages and banged his head or pounded his fist against
14 the wall.

15 18. As a result of the conviction, the Court placed Respondent on four (4) years formal
16 probation and ordered that Respondent serve 270 days in the Orange County Jail, with 71 actual
17 days and 34 conduct days credit, for a total of 105 days credit for time served, and ordered that
18 Respondent pay various fees and fines. The Court also ordered that Respondent provide a State
19 DNA sample and fingerprints prints for the State DNA Database pursuant to Penal Code sections
20 296 and 296.1, not use unauthorized drugs, narcotics, or controlled substances, submit to drug or
21 narcotic testing as directed by her Probation Officer, submit person, property and residence to
22 search and seizure, cooperate with probation officer in any plan for psychiatric, psychological and
23 alcohol and/or drug treatment or counseling, seek training, schooling, or employment maintain
24 residence as approved by the probation department, not associate with persons known to
25 Respondent to be parolees, convicted felons, users or sellers of illegal drugs or otherwise
26 disapproved by probation, and not own, use, or possess any type of dangerous or deadly weapon,
27 including any firearm or ammunition. The Court further ordered that Respondent obey all laws,
28 orders, rules and regulations of the Court, Jail, and Probation, to violate no law, disclose terms

1 and conditions of probation when asked by any law enforcement or probation officer, attend and
2 complete Child Abuser's Treatment Probation, not violate terms of protective order, and comply
3 with all terms of the protective order.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct - Committed Act Which Would Have Warranted**
6 **Denial of License)**

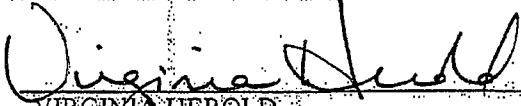
7 19. Respondent is subject to disciplinary action under section 4301(p) of the Code in that
8 he engaged in actions or conduct that would have warranted denial of a license, as fully set forth
9 at paragraphs 13 and 18, above, which are incorporated here by reference.

10 **PRAYER**

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

- 13 1. Revoking or suspending Pharmacy Technician Registration Number TCH 112134,
14 issued to Kelli Ann Wood;
- 15 2. Ordering Kelli Ann Wood to pay the Board of Pharmacy the reasonable costs of the
16 investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;
- 18 3. Taking such other and further action as deemed necessary and proper.

19
20 DATED: 6/1/12


21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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