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

In the Matter of the Accusation Against:

**ASHLEY REBECCA BREE OLIVER**  
**617 Grant Avenue**  
**San Leandro, CA 94580**  
**Pharmacy Technician License No. TCH**  
**91169**

Respondent.

Case No. 4272

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about December 14, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the California State Board of Pharmacy, filed Accusation No. 4272 against Ashley Rebecca Bree Oliver (Respondent) before the Board of Pharmacy (Accusation attached as Exhibit A.)
2. On or about May 28, 2009, the (Board) issued Pharmacy Technician License No. TCH 91169 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 4272 and expired on December 31, 2012.

1           3.    On or about June 8, 2013, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4272, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is:

7    617 Grant Avenue  
8    San Leandro, CA 94580.

9           4.    Pursuant to Business and Professions Code section 136 and/or 4100, and/or California  
10 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes  
11 thereto, are required to be reported and maintained with the Board.

12           5.    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           6.    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           7.    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. 4272.

23           8.    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           9.    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 offices regarding the allegations contained in Accusation No. 4272, finds that the  
2 charges and allegations in Accusation No. 4272, are separately and severally, found to be true and  
3 correct by clear and convincing evidence.

4 10. 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 \$3,640.00 as of September 3, 2013.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Ashley Rebecca Bree Oliver has  
9 subjected her Pharmacy Technician License No. TCH 91169 to discipline.

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

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

14 a. Respondent is subject to disciplinary action under section 490 and 4301 (f), (l)  
15 and (p) in that on or about December 30, 2011, in a criminal proceeding entitled *People v. Ashley*  
16 *Rebecca Bree Oliver*, in Alameda Superior Court Case No. H 51032B Respondent was convicted  
17 by a plea of no contest to a violation of Penal Code Section 211. (Robbery).

18 b. Respondent is subject to disciplinary action under section 490 and 4301 (p) in  
19 that on or about December 30, 2011, in a criminal proceeding entitled *People v. Ashley Rebecca*  
20 *Bree Oliver*, in Alameda Superior Court Case No. H 51032B Respondent was convicted by a plea  
21 of no contest to a violation of Penal Code Section 211. (Robbery).

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**ORDER**

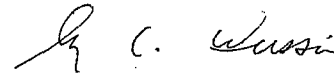
**IT IS SO ORDERED** that Pharmacy Technician License No. TCH 91169, heretofore issued to Respondent Ashley Rebecca Bree Oliver, is revoked.

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 December 6, 2013.

It is so ORDERED ON November 6, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_  
STAN C. WEISSER  
Board President

Matter ID:SF2012401544

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 MARETTA WARD  
Deputy Attorney General  
4 State Bar No. 176470  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1384  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:  
11  
12 **ASHLEY REBECCA BREE OLIVER**  
617 Grant Avenue  
13 San Leandro, CA 94580  
14 **Pharmacy Technician License No. TCH**  
91169  
15 Respondent.

Case No. 4272  
**ACCUSATION**

16  
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about May 28, 2009, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 91169 to Ashley Rebecca Bree Oliver (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on December 31, 2012, unless renewed.

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 unless otherwise indicated.

1           4. California Code of Regulations, title 16, section 1770, states:

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

8           5. Section 4301 of the Code states:

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

12

13           "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
14 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
15 whether the act is a felony or misdemeanor or not.

16

17           "(l) The conviction of a crime substantially related to the qualifications, functions, and  
18 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
19 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
20 substances or of a violation of the statutes of this state regulating controlled substances or  
21 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
22 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
23 The board may inquire into the circumstances surrounding the commission of the crime, in order  
24 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
25 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
26 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
27 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
28 of this provision. The board may take action when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
3 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
5 indictment.

6

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

8 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
9 revoke a license on the ground that the licensee has been convicted of a crime substantially  
10 related to the qualifications, functions, or duties of the business or profession for which the  
11 license was issued.

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

16 8. Section 118, subdivision (b), of the Code provides that the  
17 suspension/expiration/surrender/cancellation of a license shall not deprive the  
18 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
19 within which the license may be renewed, restored, reissued or reinstated.

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1 FIRST CAUSE FOR DISCIPLINE

2 (UNPROFESSIONAL CONDUCT)

3 9. Respondent is subject to disciplinary action under section 490 and 4301 (f), (l) and  
4 (p) in that on or about December 30, 2011, in a criminal proceeding entitled *People v. Ashley*  
5 *Rebecca Bree Oliver*, in Alameda Superior court Case No. H 51032B Respondent was convicted  
6 by a plea of no contest to a violation of Penal Code Section 211. (Robbery). The circumstances  
7 are as follows:

8 a. On or about October 18, 2010, Respondent participated in a robbery at her  
9 place of employment, in San Leandro, California by deactivating the alarm to the building and  
10 surreptitiously allowing an individual to access the building premises and initiate a robbery at  
11 gunpoint.

12 b. On or about December 30, 2011, Respondent was sentenced as follows:  
13 Five years probation, 15 days jail time, 100 yard restriction on victim D.H., observe a 100 yard  
14 restriction on her former place of employment, and pay fines of approximately \$250.00.

15 SECOND CAUSE FOR DISCIPLINE

16 (UNPROFESSIONAL CONDUCT)

17 10. Respondent is subject to disciplinary action under section 490 and 4301 (p) in that on  
18 or about December 30, 2011, in a criminal proceeding entitled *People v. Ashley Rebecca Bree*  
19 *Oliver*, in Alameda Superior Court Case No. H 51032B Respondent was convicted by a plea of  
20 no contest to a violation of Penal Code Section 211. (Robbery). The circumstances are as  
21 follows:

22 a. On or about October 18, 2010, Respondent participated in a robbery at her  
23 place of employment, in San Leandro, California by deactivating the alarm to the building and  
24 surreptitiously allowing an individual to access the building premises and initiate a robbery at  
25 gunpoint.

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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 of Pharmacy issue a decision:

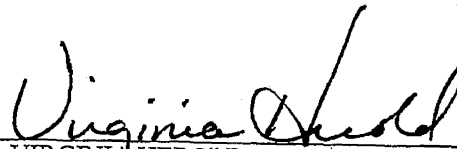
1. Revoking or suspending Pharmacy Technician License Number TCH 91169, issued to Ashley Rebecca Bree Oliver

2. Ordering Ashley Rebecca Bree Oliver 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;

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

DATED:

12/14/12



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

SF2012401544  
accusation.rtf