

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:

**ANGELA LOUISE DU PONT
1538 Cayuga
Simi Valley, CA 93065**

**Pharmacy Technician License No. TCH
16360**

Respondent.

Case No. 4685

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 12, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4685 against Angela Louise Du Pont (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about June 27, 1995, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 16360 to Respondent. The Pharmacy Technician License expired on May 31, 2011, and has not been renewed.

1 3. On or about April 4, 2014, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 4685, 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 1538 Cayuga
8 Simi Valley, CA 93065.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about April 10, 2014, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Unclaimed."

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

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

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4685.

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

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 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
file at the Board's offices regarding the allegations contained in Accusation No. 4685, finds that

1 the charges and allegations in Accusation No. 4685, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is one thousand nine hundred seventy-two dollars (\$1,972.00) as of June 6,
6 2014.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Angela Louise Du Pont has
9 subjected her Pharmacy Technician License No. TCH 16360 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 License based upon the following violations alleged in the Accusation which are supported by the
13 evidence contained in the Default Decision Evidence Packet in this case.:

14 a. First Cause For Discipline - (Conviction of Substantially Related Crime).

15 Respondent is subject to disciplinary action under section 490 and section 4301, subdivision (l),
16 in conjunction with California Code of Regulations, title 16, section 1770, in that on or about
17 August 6, 2012, after pleading guilty, Respondent was convicted of one felony count of violating
18 Health and Safety Code section 11379, subdivision (a) [transportation of a controlled substance],
19 in the criminal proceeding entitled *The People of The State of California v. Angela Louise Du*
20 *Pont* (Super. Ct. Ventura County, 2012, No. 2012001882 F A).

21 b. Second Cause For Discipline - (Violating Statute Regulating Controlled
22 Substances and Dangerous Drugs). Respondent is subject to disciplinary action under section
23 4301, subdivision (j), in that on or about January 16, 2012, Respondent violated a state statute
24 regulating controlled substances and dangerous drugs. Complainant refers to, and by this
25 reference incorporates, the allegations set forth above in paragraph 3, subparagraph (a), as though
26 set forth fully.

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

ORDER

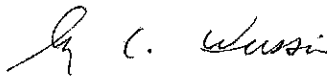
IT IS SO ORDERED that Pharmacy Technician License No. TCH 16360, heretofore issued to Respondent Angela Louise Du Pont, is revoked.

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 7, 2014.

It is so ORDERED July 8, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 

STAN C. WEISSER
Board President

51529835.DOC
DOJ Matter ID:LA2013509381

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
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:

Case No. 4685

11 **ANGELA LOUISE DU PONT**
12 **1538 Cayuga**
13 **Simi Valley, CA 93065**

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH**
15 **16360**

Respondent.

16
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.

22 2. On or about June 27, 1995, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 16360 to Angela Louise Du Pont (Respondent). The Pharmacy Technician
24 License expired on May 31, 2011, and has not been renewed.

25 **JURISDICTION**

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

1 STATUTORY PROVISIONS

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

5 5. Section 4300, subdivision (a), states that "[e]very license issued may be suspended
6 or revoked."

7 6. Section 4300.1 states:

8 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
9 operation of law or by order or decision of the board or a court of law, the placement of a license
10 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
11 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
12 proceeding against, the licensee or to render a decision suspending or revoking the license."

13 7. Section 4301 states:

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

18

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

22 "(g) Knowingly making or signing any certificate or other document that falsely
23 represents the existence or nonexistence of a state of facts.

24

25 "(j) The violation of any of the statutes of this state or of the United States regulating
26 controlled substances and dangerous drugs.

27

28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **CONTROLLED SUBSTANCE - DANGEROUS DRUG**

4 10. Methamphetamine is a Schedule II controlled substance as designated by Health
5 and Safety Code section 11055, subdivision (d)(2), and is categorized as a dangerous drug
6 pursuant to Business and Professions Code section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Conviction of Substantially Related Crime)**

9 11. Respondent is subject to disciplinary action under section 490 and
10 section 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section
11 1770, in that Respondent was convicted of a crime substantially related to the qualifications,
12 functions or duties of a Licensed Pharmacy Technician, as follows:

13 a. On or about August 6, 2012, after pleading guilty, Respondent was convicted of
14 one felony count of violating Health and Safety Code section 11379, subdivision (a)
15 [transportation of a controlled substance], in the criminal proceeding entitled *The People of The*
16 *State of California v. Angela Louise Du Pont* (Super. Ct. Ventura County, 2012, No. 2012001882
17 F A). On or about January 16, 2012, Respondent was stopped by police officers at a traffic stop.
18 Respondent consented to a vehicle search of her vehicle where police officers found a small clear
19 zip lock baggie that contained approximately 1.6 grams of Methamphetamine. When questioned
20 by the police officer, Respondent admitted that the baggie contained Methamphetamine and
21 began to cry. Respondent further admitted that she recently sold Methamphetamine to someone a
22 few days ago and that she sells "20 here and there." A search of her cellular phone revealed that
23 she was arranging sales and transactions with customers. Respondent was arrested for
24 transportation of a controlled substance.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Violating Statute Regulating Controlled Substances and Dangerous Drugs)**

27 12. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
28 that on or about January 16, 2012, Respondent violated a state statute regulating

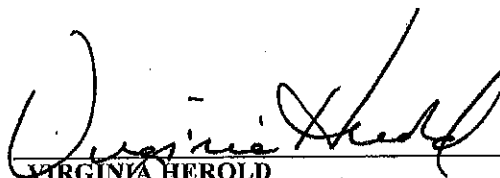
1 controlled substances and dangerous drugs. Complainant refers to, and by this reference
2 incorporates, the allegations set forth above in paragraph 10, subparagraph (a), as though set forth
3 fully.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Technician License Number TCH 16360, issued
8 to Respondent Angela Louise Du Pont;
- 9 2. Ordering Respondent Angela Louise Du Pont to pay the Board of Pharmacy the
10 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
11 Professions Code section 125.3; and
- 12 3. Taking such other and further action as deemed necessary and proper.
- 13
14
15
16

17 DATED: 3/12/14



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

26 LA2013509381
27 51359134_2.doc