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

In the Matter of the Petition to Revoke
Probation Against:

Case No. 4747

DEFAULT DECISION AND ORDER

JENNIFER SCHALOY STEELE
1530 Lake Boulevard, #F
Redding, CA 96003

[Gov. Code, §11520]

Pharmacist Technician Registration No.
TCH 99713

Respondent.

FINDINGS OF FACT

1
2 1. On or about September 3, 2013, Complainant Virginia Herold, in her official capacity
3 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
4 Petition to Revoke Probation No. 4747 against Jennifer Schaloy Steele (Respondent) before the
5 Board of Pharmacy. (Petition to Revoke Probation attached as Exhibit A.)

6 2. On or about August 15, 2012, the Board of Pharmacy (Board) issued Pharmacist
7 Technician Registration No. TCH 99713 to Respondent. The Pharmacist Technician Registration
8 expired on September 30, 2013, and has not been renewed.

9 3. On or about September 13, 2013, Respondent was served by Certified and First Class
10 Mail copies of the Petition to Revoke Probation No. 4747, Statement to Respondent, Notice of
11 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,
12 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
13 Professions Code section 4100, is required to be reported and maintained with the Board.
14 Respondent's address of record was and is:

15 1530 Lake Boulevard, #F
16 Redding, CA 96003.

17 4. Service of the Petition to Revoke Probation was effective as a matter of law under the
18 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions
19 Code section 124.

20 5. On or about October 15, 2013, the aforementioned documents sent by Certified Mail
21 were returned by the U.S. Postal Service marked "Unclaimed."

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

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

28 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
the Petition to Revoke Probation, and therefore waived her right to a hearing on the merits of
Petition to Revoke Probation No. 4747.

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

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

6 9. Pursuant to its authority under Government Code section 11520, the Board finds
7 Respondent is in default. The Board will take action without further hearing and, based on the
8 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
9 taking official notice of all the investigatory reports, exhibits and statements contained therein on
10 file at the Board's offices regarding the allegations contained in Petition to Revoke Probation No.
11 4747, finds that the charges and allegations in Petition to Revoke Probation No. 4747, are
12 separately and severally, found to be true and correct by clear and convincing evidence.

13 10. Taking official notice of its own internal records, pursuant to Business and
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
15 and Enforcement is \$1,317.50 as of November 5, 2013.

16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent Jennifer Schaloy Steele has
18 subjected her Pharmacist Technician Registration No. TCH 99713 to discipline.

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

20 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist Technician
21 Registration based upon the following violations alleged in the Petition to Revoke Probation
22 which are supported by the evidence contained in the Default Decision Evidence Packet in this
23 case.:

24 a. Failure to Report to the Board: Respondent violated condition 3 of her probation
25 terms by failing to submit quarterly reports to the Board.

26 b. Non-Compliance Probation Program: Respondent violated Condition 5 of her
27 probation terms by failing to file quarterly reports and or enroll in a drug-screening program.

28 c. Failure to Submit to Random Drug Screening: Respondent has violated Condition 15
of her probation terms by failing to enroll in a drug screening program.

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ORDER

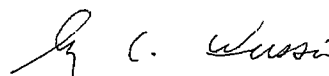
IT IS SO ORDERED that Pharmacist Technician Registration No. TCH 99713, heretofore issued to Respondent Jennifer Schaloy Steele, is revoked.

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 February 18, 2014.

It is so ORDERED ON January 17, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

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DOJ Matter ID:SA2013111736

Attachment:
Exhibit A: Petition to Revoke Probation

Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
4 State Bar No. 258229
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
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 Petition to Revoke
12 Probation Against,
13 **JENNIFER SCHALOY STEELE**
14 **1530 Lake Boulevard, #F**
15 **Redding, CA 96003**
16 **Pharmacy Technician Registration No.**
17 **TCH 99713**
18 Respondent.

Case No. 4747

PETITION TO REVOKE PROBATION

18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
21 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
22 Affairs.

23 2. On or about August 15, 2012, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 99713 to Jennifer Schaloy Steele (Respondent). The Pharmacy
25 Technician Registration will expire on September 30, 2013, unless renewed.

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1 3. In a disciplinary action entitled "In the Matter of Statement of Issues Against Jennifer
2 Schaloy Steele," Case No. 4092, the Board of Pharmacy issued a decision, effective July 30,
3 2012, in which Respondent's application for a Pharmacy Technician Registration was granted.
4 Upon satisfaction of all requirements, the license was issued effective August 15, 2012, and
5 immediately revoked. Pursuant to the decision, the revocation was stayed and Respondent's
6 Pharmacy Technician Registration placed on probation for a period of three (3) years with certain
7 terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by
8 reference.

9 JURISDICTION

10 4. This Petition to Revoke Probation is brought before the Board of Pharmacy (Board),
11 Department of Consumer Affairs, under the authority of the following laws. All section
12 references are to the Business and Professions Code unless otherwise indicated.

13 5. Section 4300 of the Code states:

14 "(a) Every license issued may be suspended or revoked.

15 "(b) The board shall discipline the holder of any license issued by the board, whose default
16 has been entered or whose case has been heard by the board and found guilty, by any of the
17 following methods:

18 "(1) Suspending judgment.

19 "(2) Placing him or her upon probation.

20 "(3) Suspending his or her right to practice for a period not exceeding one year.

21 "(4) Revoking his or her license.

22 "~~(5) Taking any other action in relation to disciplining him or her as the board in its~~
23 discretion may deem proper.

24 6. Section 4300.1 of the Code states:

25 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
26 operation of law or by order or decision of the board or a court of law, the placement of a license
27 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

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1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 7. This Petition to Revoke Probation is brought pursuant to Probation Condition 12
4 of the Board's Disciplinary Order in Accusation Case No. 4092, which states: "If Respondent
5 violates probation in any respect, the board, after giving Respondent notice and an opportunity to
6 be heard, may revoke probation and carry out the disciplinary order that was stayed."

7 **FIRST CAUSE TO REVOKE PROBATION**

8 **(Failure to Report to the Board)**

9 8. At all times after the effective date of Respondent's probation, Condition 3 stated in
10 pertinent part:

11 Respondent shall report to the board quarterly. Among other requirements, Respondent
12 shall state in each report whether she has been in compliance with all the terms of probation.
13 Failure to submit timely reports shall be considered a violation of probation.

14 9. Respondent's probation is subject to revocation because she failed to comply with
15 Probation Condition 3, referenced above. The facts and circumstances regarding this violation
16 are that Respondent's first quarterly report was due on October 10, 2012. Respondent has failed
17 to submit any quarterly reports to date.

18 **SECOND CAUSE TO REVOKE PROBATION**

19 **(Non-Compliance with Board's Probation Program)**

20 10. At all times after the effective date of Respondent's probation, Condition 5 stated:
21 "Respondent shall cooperate with the board's inspection program and with the board's
22 monitoring and investigation of Respondent's compliance with terms and conditions of her
23 probation. Failure to cooperate shall be considered a violation of probation."

24 11. Respondent's probation is subject to revocation because she failed to comply with
25 Probation Condition 5, referenced above. The facts and circumstances regarding this violation
26 are:

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1 a. A representative of the board attempted to send notifications to Respondent via
2 first class and certified mail on September 21, 2012 and November 26, 2012. The certified mail
3 was returned to the board marked "Unclaimed."

4 b. Respondent failed to cooperate with the representatives of the Board in their
5 monitoring of her compliance with the probation program as more fully described in the First and
6 Third Causes to Revoke Probation which are incorporated herein by reference.

7 **THIRD CAUSE TO REVOKE PROBATION**
8 **(Failure to Submit to Random Drug Screening)**

9 12. At all times after the effective date of Respondent's probation, Condition 15 stated in
10 pertinent part:

11 Respondent shall, at her own expense, participate in a random drug screening program.
12 Failure to timely submit to testing as directed shall be considered a violation of probation.

13 13. Respondent's probation is subject to revocation because she failed to comply with
14 Probation Condition 15, referenced above. The facts and circumstances regarding this violation
15 are that Respondent attended a probation conference on July 26, 2012, wherein the terms and
16 conditions of probation were reviewed. On July 30, 2012, the Board notified Respondent that she
17 must enroll in the random drug screening program no later than August 13, 2012. On September
18 17, 2012, Respondent contacted the board stating she had not yet enrolled because she had not
19 received the enrollment packet from the drug screening program. Respondent was notified via
20 email on September 18, 2012, that she was in violation of her probation and she was instructed to
21 enroll as soon as possible and begin reporting daily. On September 21, 2012, and November 26,
22 2012, the board confirmed that Respondent had not yet enrolled in the drug screening program
23 and sent a letter to Respondent stating she needed to enroll as soon as possible. To date,
24 Respondent has not enrolled in the drug screening program.

25 **PRAYER**

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

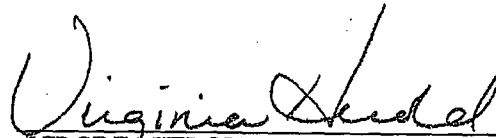
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1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4092 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician Registration No. TCH 99713 issued to Jennifer Schaloy Steele;
2. Revoking or suspending Pharmacy Technician Registration No. TCH 99713, issued to Jennifer Schaloy Steele;
3. Taking such other and further action as deemed necessary and proper.

DATED:

9/3/13



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

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1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 PATRICK M. KENADY
Deputy Attorney General
4 State Bar No. 050882
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5377
Facsimile: (916) 327-8643
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 Statement of Issues
12 Against:

Case No. 4092

13 **JENNIFER SCHALOY STEELE**

STATEMENT OF ISSUES

14 **1530 Lake Boulevard, #F**
Redding, CA 96003

15 **Pharmacy Technician License**

16 Respondent.

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19 Complainant alleges:

20 PARTIES

21 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about January 7, 2010, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a Pharmacy Technician License from Jennifer Schaloy Steele
25 (Respondent). On or about December 6, 2009, Jennifer Schaloy Steele certified under penalty of
26 perjury to the truthfulness of all statements, answers, and representations in the application. The
27 Board denied the application on April 29, 2011.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure.

5. 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:

"(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

"(i) 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.

1 The board may inquire into the circumstances surrounding the commission of the crime, in order
2 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
3 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
4 qualifications, functions, and duties of a licensee under this chapter.

5 6. Section 480 of the Code states:

6 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
7 one of the following:

8 "(1) Been convicted of a crime. A conviction within the meaning of this section means a
9 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
10 board is permitted to take following the establishment of a conviction may be taken when the
11 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
12 an order granting probation is made suspending the imposition of sentence, irrespective of a
13 subsequent order under the provisions of Section 1203.4 of the Penal Code.

14 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
15 benefit himself or herself or another, or substantially injure another.

16 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
17 would be grounds for suspension or revocation of license.

18 "(B) The board may deny a license pursuant to this subdivision only if the crime or act is
19 substantially related to the qualifications, functions, or duties of the business or profession for
20 which application is made.

21 "(b) Notwithstanding any other provision of this code, no person shall be denied a license
22 solely on the basis that he or she has been convicted of a felony if he or she has obtained a
23 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
24 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
25 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
26 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
27 Section 482.

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1 (c) A board may deny a license regulated by this code on the ground that the applicant
2 knowingly made a false statement of fact required to be revealed in the application for the
3 license."

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

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

11 8. Section 125.3 of the Code provides, in pertinent part, that the
12 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
13 have committed a violation or violations of the licensing act to pay a sum not to exceed the
14 reasonable costs of the investigation and enforcement of the case.

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

19 FIRST CAUSE FOR DENIAL OF APPLICATION

20 (CRIMINAL CONVICTION)

21 10. Respondent's application is subject to denial under section 480(a)(1) in conjunction
22 with section 4300 in that on or about February 19, 2010, in a criminal proceeding entitled *People*
23 *v. Jennifer Schaloy Steele*, in Superior Court of California, County of Shasta, Case Number
24 MCRDCRN 100000863. Respondent was convicted by plea of guilty to violating Penal Code
25 section 148(a)(1) (Resisting, Obstructing, Delaying an Officer) a misdemeanor which is
26 substantially related to the qualifications, functions or duties as a pharmacy technician. The
27 circumstances are as follows:

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1 11. On or about the 5th day of January 2010, Respondent did willfully and unlawfully
2 resist, delay and obstruct California Highway Patrol Officer Bronson, who was then and there a
3 public officer, peace officer, or emergency medical technician attempting to and discharging the
4 duty of his/her office and employment.

5 SECOND CAUSE FOR DENIAL OF APPLICATION

6 (ACTS)

7 12. Respondent's application is subject to denial under section 480(a)(3) in conjunction
8 with section 4300 in that on or about January 29, 2010, in a criminal proceeding entitled *People v.*
9 *Jennifer Schaloy Steele*, in Superior Court of California, County of Shasta, Case Number
10 MCRDCRTR 1000072300001, Respondent was convicted by a plea of nolo contendere of
11 violating Vehicle Code section 23152(A), a misdemeanor which is substantially related to the
12 qualifications, functions or duties as a pharmacy technician. The circumstances are as followed:

13 13. On or about January 4, 2010, Respondent did willfully and unlawfully, while under
14 the influence of an alcoholic beverage and a drug, and under their combined influence, drive a
15 vehicle.

16 THIRD CAUSE FOR DENIAL OF APPLICATION

17 (ACTS)

18 14. Respondent's application is subject to denial under section 480(a)(3) in conjunction
19 with section 4300, in that Respondent committed acts as described in paragraphs 9 – 13 inclusive
20 which, if done by a licentiate, would be grounds for suspension or revocation of license.

21 PRAYER

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

24 1. Denying the application of Jennifer Schaloy Steele for a Pharmacy Technician

25 License;

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

DATED: 11/18/11

Virginia Herold

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

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