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

In the Matter of the Accusation Against:

**JAYME MARIE PALMER
22 Rhea Court
Pittsburg, CA 94565**

**Pharmacy Technician License No. TCH
102463**

Respondent.

Case No. 4858

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 19, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4858 against Jayme Marie Palmer (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about May 20, 2010, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 102463 to Respondent. The Pharmacy Technician License was in

1 full force and effect at all times relevant to the charges brought in Accusation No. 4858 and will
2 expire on May 31, 2014, unless renewed.

3 3. On or about September 30, 2013, Respondent was served by Certified Mail copies of
4 the Accusation No. 4858, Statement to Respondent, Notice of Defense, Request for Discovery,
5 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is: 22 Rhea Court, Pittsburg, CA 94565.

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. Government Code section 11506 states, in pertinent part:

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

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4858.

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

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 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. 4858, finds that
the charges and allegations in Accusation No. 4858, are separately and severally, found to be true
and correct by clear and convincing evidence.

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ORDER

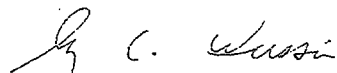
IT IS SO ORDERED that Pharmacy Technician License No. TCH 102463, issued to Respondent Jayme Marie Palmer, is revoked.

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 January 27, 2014.

It is so ORDERED ON December 27, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

90356447.DOC
DOJ Matter ID:SF2013405029
Attachment: Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA A. GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4858

12 **JAYME MARIE PALMER**
22 Rhea Court
13 **Pittsburg, CA 94565**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **102463**

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.~~

22 2. On or about May 20, 2010, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 102463 to Jayme Marie Palmer (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought in
25 this Accusation and will expire on May 31, 2014, unless renewed.

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1 “(l) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
6 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
7 The board may inquire into the circumstances surrounding the commission of the crime, in order
8 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
9 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
10 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
11 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
12 of this provision. The board may take action when the time for appeal has elapsed, or the
13 judgment of conviction has been affirmed on appeal or when an order granting probation is made
14 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
15 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
16 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
17 indictment.

18 ...
19 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
20 violation of or conspiring to violate any provision or term of this chapter or of the applicable
21 federal and state laws and regulations governing pharmacy, including regulations established by
22 the board or by any other state or federal regulatory agency.”

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

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 (Bus. & Prof. Code § 4301)

4 17. Respondent has subjected her Pharmacy Technician's Registration to disciplinary
5 action under Code section 4301 in that Respondent unlawfully took Hydrocodone from her
6 employer, Target. The circumstances are as follows:

7 18. On or about March 5, 2013, at approximately 5:53 p.m., an officer from the Walnut
8 Creek Police Department ("WCPD") was dispatched to the Target store in Walnut Creek,
9 California, in order to investigate a theft report. Dispatch informed the officer that Target Loss
10 Prevention had detained Respondent for theft of narcotics from the pharmacy. Respondent was a
11 Target employee at the time. The WCPD officer arrived at Target and met with the Target
12 investigator. Respondent was also present during the meeting. The investigator informed the
13 officer that the Walnut Creek Target store had been having an on-going issue with the loss of
14 Hydrocodone pills, which prompted the investigator to review surveillance footage from the
15 pharmacy. The investigator discovered footage of Respondent stealing Hydrocodone from the
16 Target pharmacy on or about March 3, 2013. Specifically, on or about March 2, 2013, Target
17 received a shipment of one box of Hydrocodone. Video surveillance showed Respondent
18 opening the box on March 3, 2013, at approximately 8:58 a.m. Respondent removed three bottles
19 from the box. One bottle contained 500 Hydrocodone pills, and the other two bottles contained
20 100 Hydrocodone pills. Three minutes after removing the bottles, Respondent took all three
21 bottles and placed them at a work station in the back of the pharmacy, near a tray full of other
22 prescriptions. The surveillance footage then showed Respondent take one of the bottles of
23 Hydrocodone and conceal it inside her jacket pocket. Respondent was then observed walking to
24 another area of the pharmacy, removing a plastic bag from her jacket, and emptying the bottle of
25 pills into the bag. Respondent was later observed placing the empty bottle of Hydrocodone in the
26 empty bottle area in the back of the pharmacy. Respondent left work that day at approximately
27 1:29 p.m. The investigator showed the officer the surveillance footage that he had described.
28 The bottle that Respondent emptied into the plastic bag was the bottle containing 500

1 Hydrocodone pills. The investigator then signed a citizen's arrest form for misdemeanor
2 embezzlement.

3 19. The WCPD officer arrested Respondent and transported her to the WCPD to
4 complete the booking process. The officer later questioned Respondent about the surveillance
5 footage. Respondent denied having a narcotic addiction problem, and told the officer that she had
6 given the pills to her brother's friend whose name she did not know. Respondent also told the
7 officer that she only took the pills on this one occasion, and she denied having any intent to sell
8 them. She then described to the officer exactly how she had taken the pills from the Target store.

9 SECOND CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct – Conviction)

(Bus. & Prof. Code §§ 490, 4301, subd. (l))

11 20. Complainant realleges the allegations contained in paragraphs 17 through 19 above,
12 and incorporates them as if fully set forth.

13 21. Respondent has subjected her Pharmacy Technician's Registration to disciplinary
14 action under Code sections 490 and 4301, subdivision (l), as defined by California Code of
15 Regulations, title 16, section 1770, in that she was convicted of a crime substantially related to the
16 duties, functions, and qualifications of a licensee. Specifically, on or about May 22, 2013, in a
17 criminal matter entitled *The People of the State of California v. Jayme Marie Palmer*, in the
18 Contra Costa County Superior Court, Docket No. 1-16 2194-5, Respondent was convicted by plea
19 of no contest to violation Penal Code section 504 (embezzlement), a misdemeanor. Respondent
20 was sentenced to 45 days in jail, placed on probation for three years, and ordered to stay away
21 from the Target store in Walnut Creek.

22 THIRD CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct – Dishonesty, Fraud, Deceit, or Corruption)

(Bus. & Prof. Code § 4301, subd. (f))

24 22. Complainant realleges the allegations contained in paragraphs 17 through 21 above,
25 and incorporates them as if fully set forth.

26 23. Respondent has subjected her Pharmacy Technician's Registration to disciplinary
27 action under Code section 4301, subdivision (f), in that she has engaged in acts involving
28

1 dishonesty, fraud, deceit, or corruption. The circumstances are set forth in paragraphs 17 through
2 21, above.

3 FOURTH CAUSE FOR DISCIPLINE

4 (Unlawful Possession of Controlled Substances and Dangerous Drugs)
5 (Bus. & Prof. Code §§ 4301, subds. (j) &(o), 4060)

6 24. Complainant realleges the allegations contained in paragraphs 17 through 23 above,
7 and incorporates them as if fully set forth.

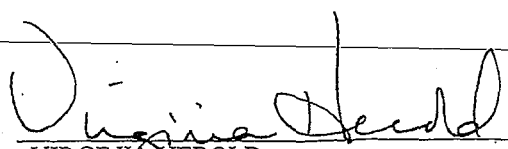
8 25. Respondent has subjected her Pharmacy Technician's Registration to disciplinary
9 action under Code sections 4060, or 4301, subdivision (j), or 4301, subdivision (o), in that she
10 possessed a controlled substance that was not furnished upon a valid prescription or drug order.
11 The circumstances are set forth in paragraphs 17 through 21, above.

12 PRAYER

13 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
14 Accusation and that following the hearing, the Board of Pharmacy issue a decision:

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 102463,
16 issued to Jayme Marie Palmer;
- 17 2. Ordering Jayme Marie Palmer to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 9/19/13


24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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