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

In the Matter of the Accusation Against:
ALEXANDRA GRACE BUMGARDNER
9175 Greenback Lane #104
Orangevale, CA 95662

and
30577 Alston Lane
Menifee, CA 92585

Pharmacy Technician Registration No.
TCH 94914

Respondent.

Case No. 4881
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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FINDINGS OF FACT

1
2 1. On or about December 2, 2013, Complainant Virginia Herold, in her official capacity
3 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
4 Accusation No. 4881 against Alexandra Grace Bumgardner (Respondent) before the Board of
5 Pharmacy. (Accusation attached as Exhibit A.)

6 2. On or about October 19, 2009, the Board of Pharmacy (Board) issued Pharmacy
7 Technician Registration No. TCH 94914 to Respondent. The Pharmacy Technician Registration
8 was in full force and effect at all times relevant to the charges brought in Accusation No. 4881
9 and will expire on November 30, 2014, unless renewed.

10 3. On or about January 21, 2014, Respondent was served by Certified and First Class
11 Mail copies of the Accusation No. 4881, Statement to Respondent, Notice of Defense, Request
12 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
13 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
14 section 4100, is required to be reported and maintained with the Board. Respondent's address of
15 record was and is:

16 9175 Greenback Lane #104
17 Orangevale, CA 95662

18 At the time of Respondent's arrest she provided the following address to the arresting agency:

19 30577 Alston Lane
20 Menifee, CA 92585.

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

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

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

29 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
30 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4881.

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1 7. 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 8. 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 Accusation No. 4881, finds that
11 the charges and allegations in Accusation No. 4881, are separately and severally, found to be true
12 and correct by clear and convincing evidence.

13 9. 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 \$1,275.00 as of February 12, 2014.

16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent Alexandra Grace Bumgardner
18 has subjected her Pharmacy Technician Registration No. TCH 94914 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 Pharmacy Technician
21 Registration based upon the following violations alleged in the Accusation which are supported
22 by the evidence contained in the Default Decision Evidence Packet in this case.:

23 a. Code section 4301, subdivision (j), unprofessional conduct by violating the laws
24 governing controlled substance, specifically Health and Safety Code section 11377, possession of
25 a Schedule II controlled substance, to wit, Methamphetamine.

26 b. Code section 4301, subdivision (o), unprofessional conduct by violating the laws
27 governing pharmacy, specifically Code section 4060, possession of a controlled substance
28 without a prescription, to wit, Methamphetamine.

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ORDER

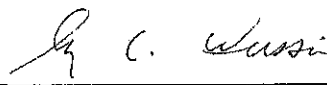
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 94914, heretofore issued to Respondent Alexandra Grace Bumgardner, is revoked.

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 April 14, 2014.

It is so ORDERED March 14, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSER
Board President

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DOJ Matter ID:SA2013112840

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
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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**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 4881

12 **ALEXANDRA GRACE BUMGARDNER**
13 **AKA ALEXANDRA GRACE BAUMGARDNER**
14 **9175 Greenback Lane #104**
Orangevale, CA 95662

A C C U S A T I O N

15 **Pharmacy Technician Registration**
No. TCH 94914

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about October 19, 2009, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 94914 to Alexandra Grace Bumgardner, also known as (aka)
24 Alexandra Grace Baumgardner (Respondent). The Pharmacy Technician Registration was in full
25 force and effect at all times relevant to the charges brought herein and will expire on November
26 30, 2014, unless renewed.

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JURISDICTION

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

6 4. Section 4300 of the Code states in pertinent part:

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

8 “(b) The board shall discipline the holder of any license issued by the board, whose default
9 has been entered or whose case has been heard by the board and found guilty, by any of the
10 following methods:

11 “(1) Suspending judgment.

12 “(2) Placing him or her upon probation.

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

14 “(4) Revoking his or her license.

15 “(5) Taking any other action in relation to disciplining him or her as the board in its
16 discretion may deem proper.”

17 5. Section 4300.1 of the Code states:

18 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
19 of law or by order or decision of the board or a court of law, the placement of a license on a
20 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
21 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
22 against, the licensee or to render a decision suspending or revoking the license.”

23 6. Section 4301 of the Code states in pertinent part:

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

27 “(j) The violation of any of the statutes of this state, or any other state, or of the United
28 States regulating controlled substances and dangerous drugs.

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1 " (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violation of or conspiring to violate any provision or term of this chapter or of the applicable
3 federal and state laws and regulations governing pharmacy, including regulations established by the
4 Board or by any other state or federal regulatory agency."

5 7. Section 4060 of the Code states in pertinent part:

6 No person shall possess any controlled substance, except that furnished to a person upon the
7 prescription of a physician.

8 8. Health and Safety Code section 11377, subdivision (a) provides in pertinent part that
9 any person who possesses a drug specified in subdivision (d) of Health and Safety Code section
10 11055, unless upon the prescription of a physician, shall be punished by imprisonment.

11 **COST RECOVERY**

12 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
13 administrative law judge to direct a licentiate 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 **DRUGS**

17 10. Health and Safety Code section 11055; subdivision (d), paragraph (2) defines
18 "Methamphetamine" as a Schedule II controlled substance.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Violation of Laws Governing Controlled Substances)**

21 11. Respondent is subject to disciplinary action on the grounds of unprofessional conduct
22 under section 4301, subdivision (j) in that on or about April 25, 2013, Respondent violated Health
23 and Safety Code section 11377, subdivision (a), by illegally possessing a Schedule II controlled
24 substance, Methamphetamine. The circumstances are as follows:

25 12. On or about April 25, 2013, Officer Owen of the Menifee Police Department observed
26 a great deal of smoke emitting from the inside of a parked vehicle. Officer Owen contacted the
27 occupants of the vehicle. Respondent was in the passenger seat of the vehicle.

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1 Officer Own searched a small makeup bag that belonged to Respondent and found a baggie filled
2 with a substance which proved to be methamphetamine.

3 **SECOND CAUSE FOR DISCIPLINE**
4 **(Violation of Laws Governing Pharmacy)**

5 13. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that
6 on or about April 25, 2013, Respondent violated the laws governing pharmacy by possessing a
7 controlled substance without a prescription as provided by section 4060. The circumstances are as
8 stated in paragraph 12, above.

9 **PRAYER**

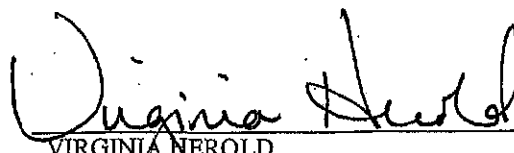
10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
11 and that following the hearing, the Board of Pharmacy issue a decision:

12 1. Revoking or suspending Pharmacy Technician Registration Number TCH 94914,
13 issued to Alexandra Grace Bumgardner, aka Alexandra Grace Baumgardner;

14 2. Ordering Alexandra Grace Bumgardner, aka Alexandra Grace Baumgardner to pay the
15 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant
16 to Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.
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19
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21 DATED: 12/2/13



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

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