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Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 **JODIE ANNE DAHL**
13 **2222 S. Dobson Rd. #1073**
14 **Chandler, AZ 85286**

15 **Pharmacy Technician Registration No. TCH**
51991

16 Respondent.

Case No. 5318

OAH No. 2015070394

STIPULATED SURRENDER OF
LICENSE AND ORDER

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
22 She brought this action solely in her official capacity and is represented in this matter by Kamala
23 D. Harris, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney
24 General.

25 2. Jodie Anne Dahl (Respondent) is representing herself in this proceeding and has
26 chosen not to exercise her right to be represented by counsel.
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1 3. On or about December 29, 2003, the Board of Pharmacy issued Pharmacy
2 Technician Registration No. TCH 51991 to Jodie Anne Dahl (Respondent). The Pharmacy
3 Technician Registration was in full force and effect at all times relevant to the charges brought in
4 Accusation No. 5318 and will expire on February 28, 2017, unless renewed.

5 JURISDICTION

6 4. Accusation No. 5318 was filed before the Board of Pharmacy (Board), Department of
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
8 statutorily required documents were properly served on Respondent on February 23, 2015.
9 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation
10 No. 5318 is attached as Exhibit A and incorporated by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, and understands the charges and allegations in
13 Accusation No. 5318. Respondent also has carefully read, and understands the effects of this
14 Stipulated Surrender of License and Order.

15 6. Respondent is fully aware of her legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
17 her own expense; the right to confront and cross-examine the witnesses against her; the right to
18 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
19 compel the attendance of witnesses and the production of documents; the right to reconsideration
20 and court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation
26 No. 5318, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
27 Registration No. TCH 51991 for the Board's formal acceptance.
28

1 9. Respondent understands that by signing this stipulation she enables the Board to issue
2 an order accepting the surrender of her Pharmacy Technician Registration without further
3 process.

4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
6 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
7 communicate directly with the Board regarding this stipulation and surrender, without notice to or
8 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
9 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
10 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
11 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
12 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
13 be disqualified from further action by having considered this matter.

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Surrender of License and Order, including Portable Document Format
16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

17 12. This Stipulated Surrender of License and Order is intended by the parties to be an
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
20 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
21 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
22 executed by an authorized representative of each of the parties.

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:

25 ORDER

26 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 51991, issued
27 to Respondent Jodie Anne Dahl, is surrendered and accepted by the Board of Pharmacy.

28

1 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
2 of the surrendered license by the Board shall constitute the imposition of discipline against
3 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
4 Respondent's license history with the Board of Pharmacy.

5 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
6 as of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
8 issued, her wall certificate on or before the effective date of the Decision and Order.

9 4. If she ever applies for licensure or petitions for reinstatement in the State of
10 California, the Board shall treat it as a new application for licensure. Respondent must comply
11 with all the laws, regulations and procedures for licensure in effect at the time the application or
12 petition is filed, and all of the charges and allegations contained in Accusation No. 5318 shall be
13 deemed to be true, correct and admitted by Respondent when the Board determines whether to
14 grant or deny the application or petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$1,802.50 prior to issuance of a new or reinstated license.

17 6. If Respondent should ever apply or reapply for a new license or certification, or
18 petition for reinstatement of a license, by any other health care licensing agency in the State of
19 California, all of the charges and allegations contained in Accusation No. 5318 shall be deemed to
20 be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
21 other proceeding seeking to deny or restrict licensure.

22 7. Respondent shall not apply for licensure or petition for reinstatement for three (3)
23 years from the effective date of the Board of Pharmacy's Decision and Order.

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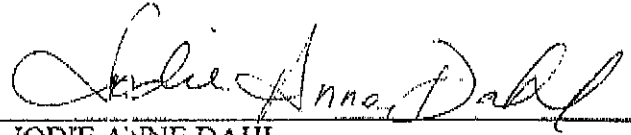
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

11/20/15



JODIE ANNE DAHL
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED:

11/30/15

Respectfully submitted,

~~KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General~~

DEBIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5318

1 KAMALA D. HARRIS
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9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 5318

12 **JODIE ANNE DAHL**
13 **125 Brett Pl.**
14 **Escondido, CA 92027**

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **51991**

Respondent.

17
18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about December 29, 2003, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 51991 to Jodie Anne Dahl (Respondent). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on February 28, 2015, unless renewed.
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28

JURISDICTION

3. This Accusation 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 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. Section 4300.1 of the Code states:

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

STATUTORY AND REGULATORY PROVISIONS

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

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

9. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime

1 substantially related to the qualifications, functions, and duties of the licensee in
2 question, the record of conviction of the crime shall be conclusive evidence of the fact
3 that the conviction occurred, but only of that fact, and the board may inquire into the
4 circumstances surrounding the commission of the crime in order to fix the degree of
5 discipline or to determine if the conviction is substantially related to the qualifications,
6 functions, and duties of the licensee in question.

7 As used in this section, "license" includes "certificate," "permit," "authority," and
8 "registration."

9 10. Section 4301 of the Code states:

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

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

21

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

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REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1769, states:

.....

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(September 9, 2014 Criminal Conviction for Driving While Under the Influence of Alcohol on March 3, 2014)

14. Respondent has subjected her registration to discipline under sections 490 and 4301, subdivision (l) of the Code in that she was convicted of a crime that is substantially related to the qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

1 a. On or about September 9, 2014, in a criminal proceeding entitled *People of the*
2 *State of California v. Jodie Anne Dahl*, San Diego County Superior Court, case number
3 M182301, Respondent entered a plea of guilty to violating Vehicle Code sections 23152(b),
4 driving under the influence of alcohol, a misdemeanor, 23152(b), driving with a blood alcohol
5 content of more than 0.8 percent, misdemeanor and section 23226(a), possession of an open
6 alcohol container while driving, an infraction. As part of the plea agreement, Respondent
7 admitted that she "drove a vehicle with a blood alcohol content of 0.35 percent and under the
8 influence of alcohol with an open container of alcohol in the vehicle."

9 b. As a result of Respondent's convictions, Respondent was sentenced to summary
10 probation for five years, ordered to abstain from alcohol, enroll in and complete a first conviction
11 DUI and MADD program, use an ignition device lock for two years and ordered to pay all
12 applicable fees and fines.

13 c. The facts that led to the conviction are that on or about March 3, 2014,
14 Respondent was driving her vehicle on the wrong side of the road when it collided with another
15 vehicle. Officers from the San Diego Police Department were dispatched to investigate the
16 collision. Upon arrival, the officers observed Respondent sitting behind the driver's seat and
17 appearing to be sleeping. The officers awoke Respondent and forcefully removed her from her
18 vehicle. She could not walk, her eyes were bloodshot and glassy and she spoke in a slurred
19 fashion. They searched her vehicle and located an open container of vodka. Her blood alcohol
20 content was measured at 0.35 percent.

21 SECOND CAUSE FOR DISCIPLINE

22 (Using Alcoholic Beverages to the Extent or in Manner as to be Dangerous or Injurious)

23 15. Respondent has subjected her registration to discipline under Code section 4301,
24 subdivision (h) of the Code in that she used alcoholic beverages to the extent or in a manner as to
25 be dangerous or injurious to herself or to the public, as described in paragraph 14 above.
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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

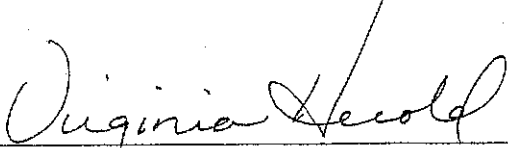
16. Respondent has subjected her registration to disciplinary action under Code section 4301 for unprofessional conduct in that she engaged in the activities described in paragraph 14 above, which is incorporated herein by reference.

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 Registration Number TCH 51991, issued to Jodie Anne Dahl;
2. Ordering Jodie Anne Dahl 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: 2/23/15


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

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