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

In the Matter of the Accusation Against:  
**CHASIDY LYNN WILHITE**  
1000 1st Street  
Wasco, CA 93280  
Pharmacy Technician Registration No. TCH 61048  
Respondent.

Case No. 5499  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about January 22, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5499 against Chasidy Lynn Wilhite (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about February 24, 2005, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH 61048 to Respondent. The Pharmacy Technician Registration expired on April 30, 2016.

3. This lapse in licensure, however, pursuant to Business and Professions Code sections 118, subdivision(b) and 4300.1 do not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1           4.     On or about February 3, 2016, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 5499, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is: 1000 1st Street, Wasco, CA 93280.

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

10          6.     On or about February 16, 2016, the aforementioned documents were returned by the  
11 U.S. Postal Service marked "Unable to Forward."

12          7.     Government Code section 11506(c) 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  
15 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
16 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
17 discretion may nevertheless grant a hearing.

18          8.     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. 5499.

20          9.     California Government Code section 11520(a) states, in pertinent part:

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

25          10.    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. 5499, finds that  
the charges and allegations in Accusation No. 5499, are separately and severally, found to be true  
and correct by clear and convincing evidence.

1 11. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement are \$1,627.50 as of May 18, 2016.

4 **DETERMINATION OF ISSUES**

5 1. Based on the foregoing findings of fact, Respondent Chasidy Lynn Wilhite has  
6 subjected her Pharmacy Technician Registration No. TCH 61048 to discipline.

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

8 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
9 Registration based upon the following violations alleged in the Accusation which are supported  
10 by the evidence contained in the Default Decision Evidence Packet in this case.:

11 a. Business and Professions Code sections 4301, subdivision (l), and 490, in conjunction  
12 with California Code of Regulations, title 16, section 1770, in that Respondent has been convicted  
13 of crimes substantially related to the qualifications, functions or duties of a pharmacy technician,  
14 as follows:

15 i. On or about December 2, 2014, Respondent was convicted of one misdemeanor  
16 count of violating Health and Safety Code section 11550, subdivision (a) [under the  
17 influence of a controlled substance], one misdemeanor count of Health and Safety Code  
18 section 11364.1 [possession of a controlled substance paraphernalia], and one  
19 misdemeanor count of Health and Safety Code section 11357, subdivision (b) [possession  
20 of not more than 28.5 grams of Marijuana] in the criminal proceeding entitled *The People*  
21 *of the State of California v. Chasidy Lynn Wilhite* (Super. Ct. Kern County, 2014, No.  
22 SM111907A).

23 ii. On or about July 3, 2014, Respondent was convicted of one misdemeanor count  
24 of violating Vehicle Code section 20002, subdivision (a) [hit and run] in the criminal  
25 proceeding entitled *The People of the State of California v. Chasidy Lynn Wilhite* (Super.  
26 Ct. Kern County, 2014, No. KM021845A).

27 b. Business and Professions Code section 4301, subdivision (f), in that Respondent  
28 committed acts involving dishonesty, fraud, or deceit.

1 c. Business and Professions Code section 4301, subdivision (h), in that Respondent used  
2 a controlled substance to the extent or in a manner as to be dangerous or injurious to herself,  
3 another person, or the public.

4 d. Business and Professions Code sections 4301, subdivision (j), and 4060, in that  
5 Respondent illegally obtained or possessed a controlled substance.

6 e. Business and Professions Code section 4301, subdivision (o), in that Respondent  
7 violated provisions of the Pharmacy Act.

8 **ORDER**

9 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 61048, heretofore  
10 issued to Respondent Chasidy Lynn Wilhite, is revoked.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
12 written motion requesting that the Decision be vacated and stating the grounds relied on within  
13 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
14 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

15 This Decision shall become effective on August 12, 2016.

16 It is so ORDERED on July 13, 2016.

17 BOARD OF PHARMACY  
18 DEPARTMENT OF CONSUMER AFFAIRS  
19 STATE OF CALIFORNIA

20 

21  
22 By \_\_\_\_\_

23 Amy Gutierrez, Pharm.D.  
24 Board President

25 52131889.DOC  
26 DOJ Matter ID:LA2015501080

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

(CHASIDY LYNN WILHITE)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6375  
6 Facsimile: (213) 897-2804

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 Accusation Against:

Case No. 5499

12 **CHASIDY LYNN WILHITE**  
1000 1st Street  
13 Wasco, CA 93280

**A C C U S A T I O N**

14 Pharmacy Technician Registration  
15 No. TCH 61048

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 24, 2005, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician Registration No. TCH 61048 to Chasidy Lynn Wilhite (Respondent). The Pharmacy  
23 Technician Registration was in full force and effect at all times relevant to the charges brought  
24 herein and will expire on April 30, 2016, unless renewed.

25 **JURISDICTION**

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

**STATUTORY PROVISIONS**

1  
2 4. Section 490 states, in pertinent part:

3 "(a) In addition to any other action that a board is permitted to take against a licensee, a  
4 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
5 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
6 or profession for which the license was issued."

7 "(b) Notwithstanding any other provision of law, a board may exercise any authority to  
8 discipline a licensee for conviction of a crime that is independent of the authority granted under  
9 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
10 of the business or profession for which the licensee's license was issued."

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

17 5. Section 492 states, in pertinent part:

18 "Notwithstanding any other provision of law, successful completion of any diversion  
19 program under the Penal Code, or successful completion of an alcohol and drug problem  
20 assessment program under Article 5 (commencing with Section 23249.50) of Chapter  
21 12 of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2  
22 (commencing with Section 500) of this code, or any initiative act referred to in that division, from  
23 taking disciplinary action against a licensee or from denying a license for professional  
24 misconduct, notwithstanding that evidence of that misconduct may be recorded in a record  
25 pertaining to an arrest."

26 6. Section 493 states:

27 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
28 the department pursuant to law to deny an application for a license or to suspend or revoke a

1 license or otherwise take disciplinary action against a person who holds a license, upon the  
2 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
3 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
4 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
5 and the board may inquire into the circumstances surrounding the commission of the crime in  
6 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
7 qualifications, functions, and duties of the licensee in question. As used in this section, "license"  
8 includes "certificate," "permit," "authority," and "registration."

9 7. Section 4060 provides in pertinent part, that no person shall possess any controlled  
10 substance, except that furnished to a person upon the prescription of a physician, dentist,  
11 podiatrist, optometrist, veterinarian, or other authorized prescriber.

12 8. Section 4300 provides, in pertinent part, that every license issued by the Board is  
13 subject to discipline, including suspension or revocation.

14 9. Section 4300.1 states:

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

20 10. Section 4301 states, in pertinent part:

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

24 . . . .

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

28 . . . .



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

6 . . . .

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

9 . . . .

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

27 . . . .

28 ///



1 Respondent has been convicted of a crime substantially related to the qualifications, functions or  
2 duties of a pharmacy technician, as follows:

3 a. On or about December 2, 2014, Respondent was convicted of one misdemeanor count  
4 of violating Health and Safety Code section 11550, subdivision (a) [under the influence of a  
5 controlled substance], one misdemeanor count of Health and Safety Code section 11364.1  
6 [possession of a controlled substance paraphernalia], and one misdemeanor count of Health and  
7 Safety Code section 11357, subdivision (b) [possession of not more than 28.5 grams of  
8 Marijuana] in the criminal proceeding entitled *The People of the State of California v. Chasidy  
9 Lynn Wilhite* (Super. Ct. Kern County, 2014, No. SM111907A). The court deferred  
10 pronouncement of sentencing pending Respondent's completion of a drug diversion program. On  
11 or about October 29, 2015, the case was called for return on bench warrant: failure to comply with  
12 deferred entry of judgment program, Respondent failed to appear, and the court issued a bench  
13 warrant in the amount of \$20,000.00. As of December 2, 2015, the bench warrant is still  
14 outstanding. The circumstances surrounding the conviction are that on or about January 28, 2014,  
15 during a stop for riding a bicycle with no lights during darkness, an officer observed Respondent  
16 to have rapid speech and appeared extremely nervous. Respondent admitted that she had two  
17 needles and a Marijuana joint in her pocket. Respondent further admitted that she used about one  
18 gram of Methamphetamine intravenously the night before.

19 b. On or about July 3, 2014, Respondent was convicted of one misdemeanor count of  
20 violating Vehicle Code section 20002, subdivision (a) [hit and run] in the criminal proceeding  
21 entitled *The People of the State of California v. Chasidy Lynn Wilhite* (Super. Ct. Kern County,  
22 2014, No. KM021845A). On or about October 27, 2015, the case called for sentencing,  
23 Respondent failed to appear, and the court issued a bench warrant in the amount of \$10,000.00.  
24 As of December 2, 2015, the bench warrant is still outstanding. The circumstances surrounding  
25 the conviction are that on or about January 28, 2014, Respondent drove a vehicle that resulted in  
26 an accident, with damages to property. She failed to immediately stop her vehicle and locate or  
27 notify the owner or person in charge of that property or leave a note in a conspicuous place on the  
28 vehicle or property.

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**SECOND CAUSE FOR DISCIPLINE**

**(Acts Involving Dishonesty, Fraud, or Deceit)**

16. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that Respondent committed acts involving dishonesty, fraud, or deceit. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 15, subparagraph (b), as though set forth fully.

**THIRD CAUSE FOR DISCIPLINE**

**(Dangerous Use of a Controlled Substance)**

17. Respondent is subject to disciplinary action under section 4301, subdivision (h), in that Respondent used a controlled substance to the extent or in a manner as to be dangerous or injurious to herself, another person, or the public, Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 15, subparagraph (a), as though set forth fully.

**FOURTH CAUSE FOR DISCIPLINE**

**(Illegally Obtained or Possessed a Controlled Substance)**

18. Respondent is subject to disciplinary action under section 4301, subdivision (j), as defined in section 4060, in that Respondent illegally obtained or possessed a controlled substance. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 15, subparagraph (a), as though set forth fully.

**FIFTH CAUSE FOR DISCIPLINE**

**(Violating Provisions of the Pharmacy Act)**

19. Respondent is subject to disciplinary action under section 4301, subdivision (o), in that Respondent violated provisions of the Pharmacy Act. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 15 through 18, as though set forth fully.

**DISCIPLINARY CONSIDERATIONS**

20. In order to determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about April 14, 2014, during the service of an arrest warrant for

1 Respondent at the address of 1501 Sycamore Dr., Respondent resisted arrest by attempting to shut  
2 the door on the deputies and pull away from the deputies.

3 PRAYER

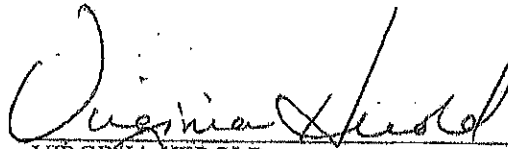
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacy Technician Registration No. TCH 61048, issued to  
7 Chasidy Lynn Wilhite;

8 2. Ordering Chasidy Lynn Wilhite to pay the Board of Pharmacy the reasonable costs of  
9 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
10 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.

12  
13  
14 DATED: 1/22/16

  
15 VIRGINIA HEROLD  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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