

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

In the Matter of the Accusation Against:

SALLY ANNA FRANKENSTEIN, Respondent

Pharmacy Technician Registration No. TCH 141568

Agency Case No. 6727

DECISION AND ORDER

The attached Stipulated Surrender of License Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on December 9, 2020.

It is so ORDERED on November 9, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", written in a cursive style.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 6727

13 **SALLY ANNA FRANKENSTEIN**
14 **90 N. Stewart Street**
15 **Sonora, CA 95370**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Pharmacy Technician No. TCH 141568**

17 Respondent.

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. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Xavier Becerra, Attorney General of the State of California, by Kevin W. Bell, Deputy Attorney
24 General.

25 2. Sally Anna Frankenstein (Respondent) is representing herself in this proceeding and
26 has chosen not to exercise her right to be represented by counsel.

27 3. On or about November 12, 2014, the Board issued Pharmacy Technician No. TCH
28 141568 to Sally Anna Frankenstein (Respondent). The Pharmacy Technician was in full force
and effect at all times relevant to the charges brought in Accusation No. 6727 and will expire on
January 31, 2022, unless renewed.

1 **JURISDICTION**

2 4. Accusation No. 6727 was filed before the Board, and is currently pending against
3 Respondent. The Accusation and all other documents were properly served on Respondent on
4 November 5, 2019. Respondent timely filed her Notice of Defense contesting the Accusation. A
5 copy of Accusation No. 6727 is attached as Exhibit A and incorporated by reference.

6 **ADVISEMENT AND WAIVERS**

7 5. Respondent has carefully read, and understands the charges and allegations in
8 Accusation No. 6727. Respondent also has carefully read, and understands the effects of this
9 Stipulated Surrender of License and Order.

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

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

19 **CULPABILITY**

20 8. Respondent admits the truth of each and every charge and allegation in Accusation
21 No. 6727, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
22 No. TCH 141568 for the Board's formal acceptance.

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

25 **RESERVATION**

26 10. The admissions made by Respondent herein are only for the purposes of this
27 proceeding, or any other proceedings in which the Board or other professional licensing agency is
28 involved, and shall not be admissible in any other criminal or civil proceeding.

CONTINGENCY

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

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

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

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

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician No. TCH 141568, issued to Respondent Sally Anna Frankenstein, is surrendered and accepted by the Board.

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

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

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

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 6727 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$4,930.00 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 6727 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

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

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. 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: _____

SALLY ANNA FRANKENSTEIN
Respondent

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DATED:

5/21/2020

Sally A. Frankenstein
SALLY ANNA FRANKENSTEIN
Respondent

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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: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General

KEVIN W. BELL
Deputy Attorney General
Attorneys for Complainant

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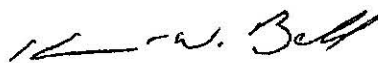
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The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 5/21/2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KENT D. HARRIS
Supervising Deputy Attorney General


KEVIN W. BELL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6727

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2 KENT D. HARRIS
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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. 6727

14 **SALLY ANNA FRANKENSTEIN**
22813 Meadow Lane
15 Sonora, CA 95370

ACCUSATION

16 **Original Pharmacy Technician Registration**
17 **No. TCH 141568**

Respondent.

18
19
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21 **PARTIES**

22 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
23 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
24 Affairs.

25 2. On or about November 12, 2014, the Board issued Original Pharmacy Technician
26 Registration Number TCH 141568 to Sally Anna Frankenstein (Respondent). The registration
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 January 31, 2020, unless renewed.

JURISDICTION

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

4. Code section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

5. Code section 4300.1 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 PROVISIONS

6. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been 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.

. . . .

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) 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. 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.
....

7. Code section 490 provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the licensed profession.

COST RECOVERY

8. Code section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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

(March 21, 2019 Criminal Conviction for DUI on September 8, 2018)

9. Respondent is subject to disciplinary action for unprofessional conduct under Code sections 490 and 4301, subdivision (l), in that Respondent was convicted of a crime substantially related to the qualification, functions and duties of a licensee, as follows: On or about March 21, 2019, in the criminal proceeding entitled, *People v. Sally Anna Frankenstein* (Tuolumne County Super. Ct., Case No. CRM58195), Respondent was convicted by the Court on her plea of guilty of violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol of 0.08 percent or higher), a misdemeanor. The circumstances of the crime are as follows: On or about September 8, 2018, Respondent was involved in a single-vehicle traffic collision when she drove around a corner too fast and collided into a planter box. Respondent continued to drive her vehicle and came to a stop after she collided into a tree. A California Highway Patrol (CHP) officer arrived on scene and observed that Respondent displayed objective signs of intoxication. Respondent admitted to the CHP officer that she consumed two beers prior to driving her vehicle. Although Respondent refused to submit to a Preliminary Alcohol

1 Screening by the officer, she later provided a blood sample that revealed a blood alcohol
2 concentration of .21%. Respondent was arrested for driving under the influence.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dangerous Use of Alcohol)**

5 10. Respondent is subject to disciplinary action for unprofessional conduct under Code
6 section 4301, subdivision (h), in that Respondent consumed alcoholic beverages to the extent or
7 in a manner as to be dangerous or injurious to oneself, any other person or to the public, as more
8 particularly set forth above in paragraph 9.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(More than One Misdemeanor Conviction Involving the Consumption of Alcohol/Drugs)**

11 11. Respondent is subject to disciplinary action for unprofessional conduct under Code
12 section 4301, subdivision (k), in that Respondent was convicted of more than one misdemeanor
13 involving the use, consumption, or self-administration of any dangerous drug or alcoholic
14 beverage, or any combination of those substances, as follows:

15 a. On or about November 8, 2012, Respondent was convicted for public
16 intoxication, as more particularly set forth below in paragraph 12; and,

17 b. On or about March 21, 2019, Respondent was convicted for driving under the
18 influence of alcohol, as more particularly set for above in paragraph 9.

19 **MATTERS IN AGGRAVATION**

20 12. To determine the degree of discipline, if any, to be imposed on Respondent,
21 Complainant alleges, as follows: On or about May 2, 2014, the Board received Respondent's
22 application for registration as a pharmacy technician where she disclosed a prior misdemeanor
23 conviction. Specifically, on or about November 8, 2012, Respondent plead guilty and was
24 convicted by the Tuolumne County Superior Court in Case Number CRM37431 of violating
25 Penal Code section 647, subdivision (f) (public intoxication). The circumstances of the crime are
26 as follows: On or about November 20, 2011, Respondent was found passed out in the bathroom
27 of a movie theater laying in her own vomit.

28 ///

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 141568, issued to Sally Anna Frankenstein;
2. Ordering Sally Anna Frankenstein to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: October 31, 2019



ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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