

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

**In the Matter of the Accusation Against:**

**FREDERICK RENAE CARTER II, Respondent**

**Pharmacy Technician Registration No. TCH 128166**

**Agency Case No. 6785**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 May 6, 2020.

It is so ORDERED on April 6, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 SETH A. CURTIS  
Deputy Attorney General  
4 State Bar No. 236263  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6121  
Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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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. 6785

14 **FREDERICK RENAÉ CARTER II**  
6842 Bender Court  
15 Sacramento, CA 95823

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Pharmacy Technician Registration**  
17 **No. TCH 128166**

18 Respondent.

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of  
24 Pharmacy (Board). She brought this action solely in her official capacity and is represented in  
25 this matter by Xavier Becerra, Attorney General of the State of California, by Seth A. Curtis,  
26 Deputy Attorney General.

27 2. Frederick Renae Carter II (Respondent) is representing himself in this proceeding and  
28 has chosen not to exercise his right to be represented by counsel.





1 Respondent is placed on probation for five (5) years on the following terms and conditions.

2 **1. Obey All Laws**

3 Respondent shall obey all state and federal laws and regulations.

4 Respondent shall report any of the following occurrences to the board, in writing, within  
5 seventy- two (72) hours of such occurrence:

- 6 • an arrest or issuance of a criminal complaint for violation of any provision of the  
7 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
8 substances laws
- 9 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
10 criminal proceeding to any criminal complaint, information or indictment
- 11 • a conviction of any crime
- 12 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
13 administrative action filed by any state or federal agency which involves  
14 respondent's license or which is related to the practice of pharmacy or the  
15 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
16 device or controlled substance.

17 Failure to timely report such occurrence shall be considered a violation of probation.

18 **2. Report to the Board**

19 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
20 designee. The report shall be made either in person or in writing, as directed. Among other  
21 requirements, respondent shall state in each report under penalty of perjury whether there has  
22 been compliance with all the terms and conditions of probation.

23 Failure to submit timely reports in a form as directed shall be considered a violation of  
24 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
25 total period of probation. Moreover, if the final probation report is not made as directed,  
26 probation shall be automatically extended until such time as the final report is made and accepted  
27 by the board.

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1           **3. Interview with the Board**

2           Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
3 with the board or its designee, at such intervals and locations as are determined by the board or its  
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
6 the period of probation, shall be considered a violation of probation.

7           **4. Cooperate with Board Staff**

8           Respondent shall timely cooperate with the board's inspection program and with the board's  
9 monitoring and investigation of respondent's compliance with the terms and conditions of his  
10 probation, including but not limited to: timely responses to requests for information by board  
11 staff; timely compliance with directives from board staff regarding requirements of any term or  
12 condition of probation; and timely completion of documentation pertaining to a term or condition  
13 of probation. Failure to timely cooperate shall be considered a violation of probation.

14           **5. Reporting of Employment and Notice to Employers**

15           During the period of probation, respondent shall notify all present and prospective  
16 employers of the decision in case number 6785 and the terms, conditions and restrictions imposed  
17 on respondent by the decision, as follows:

18           Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
19 undertaking any new employment, respondent shall report to the board in writing the name,  
20 physical address, and mailing address of each of his employer(s), and the name(s) and telephone  
21 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
22 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
23 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
24 employment. Respondent shall sign and return to the board a written consent authorizing the  
25 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and  
26 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
27 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
28 requirements or deadlines of this condition shall be considered a violation of probation.

1           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
2 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)  
3 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
4 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
5 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
6 number 6785, and terms and conditions imposed thereby. If one person serves in more than one  
7 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
8 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
9 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
10 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
11 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
12 in case number 6785, and the terms and conditions imposed thereby.

13           If respondent works for or is employed by or through an employment service, respondent  
14 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
15 of the decision in case number 6785, and the terms and conditions imposed thereby in advance of  
16 respondent commencing work at such licensed entity. A record of this notification must be  
17 provided to the board upon request.

18           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
19 (15) days of respondent undertaking any new employment by or through an employment service,  
20 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
21 to report to the board in writing acknowledging that he or she has read the decision in case  
22 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
23 ensure that these acknowledgment(s) are timely submitted to the board.

24           Failure to timely notify present or prospective employer(s) or failure to cause the identified  
25 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
26 shall be considered a violation of probation.

27           "Employment" within the meaning of this provision includes any full-time, part-time,  
28 temporary, relief, or employment/management service position as a pharmacy technician, or any

1 position for which a pharmacy technician is a requirement or criterion for employment, whether  
2 the respondent is an employee, independent contractor or volunteer.

3 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

4 Respondent shall further notify the board in writing within ten (10) days of any change in  
5 name, residence address, mailing address, e-mail address or phone number.

6 Failure to timely notify the board of any change in employer, name, address, or phone  
7 number shall be considered a violation of probation.

8 **7. Reimbursement of Board Costs**

9 As a condition precedent to successful completion of probation, respondent shall pay to the  
10 board its costs of investigation and prosecution in the amount of \$5,522.50. Respondent shall be  
11 permitted to pay these costs in a payment plan approved by the board or its designee, so long as  
12 full payment is completed no later than one (1) year prior to the end date of probation. Failure to  
13 pay costs by the deadline(s) as directed shall be considered a violation of probation.

14 **8. Probation Monitoring Costs**

15 Respondent shall pay any costs associated with probation monitoring as determined by the  
16 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
17 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
18 be considered a violation of probation.

19 **9. Status of License**

20 Respondent shall, at all times while on probation, maintain an active, current Pharmacy  
21 Technician Registration with the board, including any period during which suspension or  
22 probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall  
23 be considered a violation of probation.

24 If respondent's Pharmacy Technician Registration expires or is cancelled by operation of  
25 law or otherwise at any time during the period of probation, including any extensions thereof due  
26 to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
27 terms and conditions of this probation not previously satisfied.

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1           **10. License Surrender While on Probation/Suspension**

2           Following the effective date of this decision, should respondent cease practice due to  
3 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
4 respondent may relinquish his license, including any indicia of licensure issued by the board,  
5 along with a request to surrender the license. The board or its designee shall have the discretion  
6 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
7 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to  
8 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
9 become a part of the respondent’s license history with the board.

10           Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall  
11 license, including any indicia of licensure not previously provided to the board within ten (10)  
12 days of notification by the board that the surrender is accepted if not already provided.  
13 Respondent may not reapply for any license from the board for three (3) years from the effective  
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
15 of the date the application for that license is submitted to the board, including any outstanding  
16 costs.

17           **11. Certification Prior to Resuming Work**

18           Respondent shall be suspended, and shall not work as a pharmacy technician, until he has  
19 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has  
20 submitted proof of certification to the board, and has been notified by the board or its designee  
21 that he may begin work. Failure to achieve certification within six (6) months of the effective  
22 date shall be considered a violation of probation.

23           During suspension, respondent shall not enter any pharmacy area or any portion of any  
24 other board licensed premises of a wholesaler, third-party logistics provider, veterinary food-  
25 animal drug retailer or any other distributor of drugs which is licensed by the board, or any  
26 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
27 substances are maintained.

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1 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,  
2 compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the  
3 board. Respondent shall not have access to or control the ordering, distributing, manufacturing or  
4 dispensing of dangerous drugs and/or dangerous devices or controlled substances.

5 During this suspension, respondent shall not engage in any activity that requires licensure  
6 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of  
7 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or  
8 dangerous devices, or controlled substances.

9 Failure to comply with any such suspension shall be considered a violation of probation.

10 **12. Practice Requirement – Extension of Probation**

11 Except during periods of suspension, respondent shall, at all times while on probation, be  
12 employed as a pharmacy technician in California for a minimum of 80 hours per calendar month.  
13 Any month during which this minimum is not met shall extend the period of probation by one  
14 month. During any such period of insufficient employment, respondent must nonetheless comply  
15 with all terms and conditions of probation, unless respondent receives a waiver in writing from  
16 the board or its designee.

17 If respondent does not practice as a pharmacy technician in California for the minimum  
18 number of hours in any calendar month, for any reason (including vacation), respondent shall  
19 notify the board in writing within ten (10) days of the conclusion of that calendar month. This  
20 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
21 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will  
22 resume practice at the required level. Respondent shall further notify the board in writing within  
23 ten (10) days following the next calendar month during which respondent practices as a pharmacy  
24 technician in California for the minimum of hours. Any failure to timely provide such  
25 notification(s) shall be considered a violation of probation.

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1 It is a violation of probation for respondent's probation to be extended pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
4 probation period on its website.

5 **13. Violation of Probation**

6 If respondent has not complied with any term or condition of probation, the board shall  
7 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
8 that probation shall automatically be extended, until all terms and conditions have been satisfied  
9 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
10 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
11 board or its designee may post a notice of the extended probation period on its website.

12 If respondent violates probation in any respect, the board, after giving respondent notice  
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
14 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
15 probation, or the preparation of an accusation or petition to revoke probation is requested from  
16 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
17 probation shall be automatically extended until the petition to revoke probation or accusation is  
18 heard and decided.

19 **14. Completion of Probation**

20 Upon written notice by the board or its designee indicating successful completion of  
21 probation, respondent's license will be fully restored.

22 **15. Drug and Alcohol Testing**

23 Respondent, at his own expense, shall participate in testing as directed by the board or its  
24 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or  
25 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
26 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its  
27 designee. All testing must be pursuant to an observed testing protocol, unless respondent is  
28 informed otherwise in writing by the board or its designee. Respondent may be required to

1 participate in testing for the entire probation period and frequency of testing will be determined  
2 by the board or its designee.

3 By no later than thirty (30) days after the effective date of this decision, respondent shall  
4 have completed all of the following tasks: enrolled and registered with an approved drug and  
5 alcohol testing vendor; provided that vendor with any documentation, and any information  
6 necessary for payment by respondent; commenced testing protocols, including all required  
7 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,  
8 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with  
9 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to  
10 cooperate timely shall be considered a violation of probation.

11 Respondent may be required to test on any day, including weekends and holidays.  
12 Respondent is required to make daily contact with the testing vendor to determine if a test is  
13 required, and if a test is required must submit to testing on the same day.

14 Prior to any vacation or other period of absence from the area where the approved testing  
15 vendor provides services, respondent shall seek and receive approval from the board or its  
16 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
17 respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
18 that alternate vendor any documentation required by the vendor, including any necessary payment  
19 by respondent. During the period of absence of the area, respondent shall commence testing  
20 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
21 determine if testing is required, and required testing. Any failure to timely seek or receive  
22 approval from the board or its designee, or to timely enroll and register with, timely commence  
23 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
24 considered a violation of probation.

25 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
26 designee may require respondent to timely provide documentation from a licensed practitioner  
27 authorized to prescribe the detected substance demonstrating that the substance was administered  
28

1 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
2 documentation shall be provided by respondent within ten (10) days of being requested.

3 Any of the following shall be considered a violation of probation and shall result in  
4 respondent being immediately suspended from practice as a pharmacy technician until notified by  
5 the board in writing that he may resume practice: failure to timely complete all of the steps  
6 required for enrollment/registration with the drug testing vendor, including making arrangements  
7 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing  
8 vendor as required to determine testing date(s); failure to test as required; failure to timely supply  
9 documentation demonstrating that a detected substance was taken pursuant to a legitimate  
10 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or  
11 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the  
12 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In  
13 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a  
14 controlled substance or dangerous drug absent documentation that the detected substance was  
15 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee  
16 shall inform respondent of the suspension and inform him to immediately leave work, and shall  
17 notify respondent's employer(s) and work site monitor(s) of the suspension.

18 During any such suspension, respondent shall not enter any pharmacy area or any portion of  
19 the licensed premises of a wholesaler, third-party-logistics provider, veterinary food-animal drug  
20 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
21 any area where dangerous drugs and/or dangerous devices or controlled substances are  
22 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
23 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
24 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
25 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or  
26 dangerous devices and controlled substances.

27 During any such suspension, respondent shall not engage in any activity that requires the  
28 professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct

1 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
2 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

3 Failure to comply with any such suspension shall be considered a violation of probation.  
4 Failure to comply with any requirement or deadline stated by this term shall be considered a  
5 violation of probation.

6 **16. Notification of Departure**

7 Prior to leaving the probationary geographic area designated by the board or its designee for  
8 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
9 writing of the dates of departure and return. Failure to comply with this provision shall be  
10 considered a violation of probation.

11 **17. Abstain from Drugs and Alcohol**

12 Respondent shall completely abstain from the possession or use of alcohol, controlled  
13 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated  
14 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a  
15 necessary part of treatment. Respondent shall ensure that he is not in the same physical location  
16 as individuals who are using illicit substances even if respondent is not personally ingesting the  
17 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled  
18 substances, or their associated paraphernalia, for which a legitimate prescription has not been  
19 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
20 substances, shall be considered a violation of probation.

21 **18. Prescription Coordination and Monitoring of Prescription Use**

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
24 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
25 history with the use of alcohol and who will coordinate and monitor any prescriptions for  
26 respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-altering  
27 drugs. The approved practitioner shall be provided with a copy of the board's Accusation and  
28 decision. A record of this notification must be provided to the board or its designee upon request.

1 Respondent shall sign a release authorizing the practitioner to communicate with the board or its  
2 designee about respondent's treatment(s). The coordinating physician, nurse practitioner,  
3 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of  
4 probation regarding respondent's compliance with this condition. If any substances considered  
5 addictive have been prescribed, the report shall identify a program for the time limited use of any  
6 such substances. The board or its designee may require that the single coordinating physician,  
7 nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or  
8 consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision  
9 by the approved practitioner, respondent shall notify the board or its designee immediately and,  
10 within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse  
11 practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee  
12 for its prior approval. Failure to timely submit the selected practitioner or replacement  
13 practitioner to the board or its designee for approval, or to ensure the required quarterly reporting  
14 thereby, shall be considered a violation of probation.

15         If at any time an approved practitioner determines that respondent is unable to practice  
16 safely or independently as a pharmacy technician, the practitioner shall notify the board or its  
17 designee immediately by telephone and follow up by written letter within three (3) working days.  
18 Upon notification from the board or its designee of this determination, respondent shall be  
19 automatically suspended and shall not resume practice as a pharmacy technician until notified by  
20 the board or its designee that practice may be resumed.

21         During any suspension, respondent shall not enter any pharmacy area or any portion of the  
22 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
23 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
24 any area where dangerous drugs and/or dangerous devices or controlled substances are  
25 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
26 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
27 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
28 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or

1 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
2 by the board.

3 During any suspension, respondent shall not engage in any activity that requires the  
4 professional judgment and/or licensure as a pharmacy technician. Respondent shall not direct or  
5 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,  
6 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

7 Failure to comply with any requirement or deadline stated by this term shall be considered a  
8 violation of probation.

9 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

10 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
11 attendance at a recognized and established substance abuse recovery support group in California  
12 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
13 or its designee. Respondent must attend the number of group meetings per week or month  
14 directed by the board or its designee, which shall typically be at least one per week. Respondent  
15 shall continue regular attendance and submit signed and dated documentation confirming  
16 attendance with each quarterly report for the duration of probation. Failure to attend or submit  
17 documentation thereof shall be considered a violation of probation.

18 **20. Work Site Monitor**

19 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
20 site monitor, for prior approval by the board or its designee, who shall be responsible for  
21 supervising respondent during working hours. Respondent shall be responsible for ensuring that  
22 the work site monitor reports in writing to the board monthly or on another schedule as directed  
23 by the board or its designee. Should the designated work site monitor suspect at any time during  
24 the probationary period that respondent has abused alcohol or drugs, he or she shall notify the  
25 board immediately.

26 In the event of suspected abuse, the monitor shall make at least oral notification within one  
27 (1) business day of the occurrence, and shall be followed by written notification within two (2)  
28 business days of the occurrence. If, for any reason, including change of employment, respondent

1 is no longer able to be monitored by the approved work site monitor, within ten (10) days  
2 respondent shall designate a new work site monitor for approval by the board or its designee.  
3 Failure to timely identify an acceptable initial or replacement work site monitor, or to ensure  
4 monthly reports are submitted to the board by the monitor, shall be considered a violation of  
5 probation.

6 Within thirty (30) days of being approved by the board or its designee, the work site  
7 monitor shall sign an affirmation that he or she has reviewed the terms and conditions of  
8 respondent's disciplinary order and agrees to monitor respondent. The work site monitor shall at  
9 least:

- 10 1) Have regular face-to-face contact with respondent in the work environment, at least  
11 once per week or with greater frequency if required by the board or its designee;
- 12 2) Interview other staff in the office regarding respondent's behavior, if applicable; and
- 13 3) Review respondent's work attendance.

14 The written reports submitted to the board or its designee by the work site monitor shall  
15 include at least the following information: respondent's name and license number; the monitor's  
16 name, license number (if applicable) and work site location; the date(s) the monitor had face-to-  
17 face contact with respondent; the staff interviewed, if applicable; an attendance report; notes on  
18 any changes in respondent's behavior or personal habits; notes on any indicators that may lead to  
19 substance abuse; and the work site monitor's signature.

20 Respondent shall complete the required consent forms and sign an agreement with the work  
21 site monitor and the board to allow the board to communicate with the work site monitor.

22 Respondent shall complete the required consent forms and sign an agreement with the work  
23 site monitor and the board to allow the board to communicate with the work site monitor.

24 **21. No Ownership or Management of Licensed Premises**

25 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
26 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
27 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
28 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)

1 days following the effective date of this decision and shall immediately thereafter provide written  
2 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
3 documentation thereof shall be considered a violation of probation.

4 **ACCEPTANCE**

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

9  
10 DATED: 2/2/20 

FREDERICK RENAE CARTER II  
*Respondent*

11  
12  
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
15 submitted for consideration by the Board of Pharmacy.

16  
17 DATED: 2/2/20

Respectfully submitted,

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

  
~~SETH A. CURTIS~~ STANTON W. VGE  
Deputy Attorney General  
Attorneys for Complainant

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1 days following the effective date of this decision and shall immediately thereafter provide written  
2 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
3 documentation thereof shall be considered a violation of probation.

4 **ACCEPTANCE**

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

9  
10 DATED: \_\_\_\_\_

\_\_\_\_\_  
11 FREDERICK RENAE CARTER II  
12 *Respondent*

13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
15 submitted for consideration by the Board of Pharmacy.

16  
17 DATED: \_\_\_\_\_

Respectfully submitted,

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

21  
22 SETH A. CURTIS  
23 Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6785**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 SETH A. CURTIS  
Deputy Attorney General  
4 State Bar No. 236263  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6121  
Facsimile: (916) 324-5567  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6785

13 **FREDERICK RENAЕ CARTER II**

14 6842 Bender Court  
Sacramento, CA 95823

**ACCUSATION**

15 **Pharmacy Technician Registration**  
16 **No. TCH 128166**

17 Respondent.

18  
19 **PARTIES**

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

23 2. On or about December 31, 2012, the Board issued Pharmacy Technician Registration  
24 Number TCH 128166 to Frederick Renae Carter II (“Respondent”). The registration was in full  
25 force and effect at all times relevant to the charges brought herein and will expire on  
26 October 31, 2020, unless renewed.

27 ///

28 ///

**JURISDICTION**

3. Business and Professions Code (“Code”) section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

4. 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**

5. 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.

. . . .

(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. . . .

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**COST RECOVERY**

6. Code section 125.3 states, 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**

**(May 14, 2019 Criminal Conviction for DUI on October 26, 2018)**

7. Respondent is subject to disciplinary action under Code section 4301, subdivision (1), in that Respondent was convicted of a crime substantially related to the qualifications, functions, and duties of a licensee, as follows: On or about May 14, 2019, in the criminal proceeding entitled, *People v. Frederick Renae Carter* (Sacramento County Super. Ct., Case No. 18MI022216 SUP), Respondent was convicted by the Court on his plea of *nolo contendere* of violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol level of 0.08 percent or more) with his admission to the special allegation of Vehicle Code section 23538, subdivision (b)(2) (blood alcohol level of 0.20 percent or more), a misdemeanor. Respondent's blood alcohol level was 0.23 percent. The imposition of Respondent's sentence was suspended, informal probation was ordered for a period of three (3) years and Respondent was ordered to serve 28 days' jail time. The circumstances of the crime are as follows: On or about October 26, 2018, Respondent was involved in a two-vehicle collision. Upon arrival at the scene, law enforcement spoke with Respondent and observed that he rear-ended another vehicle. Respondent displayed objective signs of intoxication and could not keep his balance. Based on the traffic collision and objective signs of intoxication, Respondent was placed under arrest. Respondent consented to a blood draw which revealed his blood alcohol level was .23 percent.

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**SECOND CAUSE FOR DISCIPLINE**

**(Dangerous Use of Alcohol)**

8. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that Respondent consumed alcohol to an extent or in a manner as to be dangerous or injurious to oneself, any other person or to the public, as more particularly set forth above in paragraph 7.

**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 128166, issued to Frederick Renae Carter II;
2. Ordering Frederick Renae Carter II 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: September 3, 2019



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

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