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

12 In the Matter of the Accusation Against:

13 **SHANNON DONNELL JENKINS**
14 **P.O. Box 84701**
San Diego, CA 92138

15 **and**

16 **3226 Bayside Lane**
San Diego, CA 92109

17 **Pharmacy Technician Registration No. TCH**
18 **98212**

19 Respondent.

Case No. 6789

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

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21 **FINDINGS OF FACT**

22 1. On or about October 31, 2019, Complainant Anne Sodergren, in her official capacity
23 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
24 Affairs, filed Accusation No. 6789 against Shannon Donnell Jenkins (Respondent) before the
25 Board of Pharmacy. (Accusation attached as Exhibit A.)

26 2. On or about February 11, 2010, the Board issued Pharmacy Technician Registration
27 No. TCH 98212 to Respondent. The Pharmacy Technician Registration expired on June 30,
28 2019, and has not been renewed.

1 3. On or about November 8, 2019, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 6789, 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: P.O. Box 84701, San Diego, CA 92138.

7 4. On or about November 19, 2019, Respondent was served by Certified and First Class
8 Mail copies of the Accusation No. 6789, Statement to Respondent, Notice of Defense, Request
9 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
10 11507.7) at an alternate address for Respondent at: 3226 Bayside Lane, San Diego, CA 92109.

11 5. Services of the Accusation were effective as a matter of law under the provisions of
12 Government Code section 11505(c) and/or Business and Professions Code section 124.

13 6. Government Code section 11506(c) states, in pertinent part:

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

19 7. The Board takes official notice of its records and the fact that Respondent failed to
20 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
21 waived his right to a hearing on the merits of Accusation No. 6789.

22 8. California Government Code section 11520(a) states, in pertinent part:

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

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as 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. 6789,

1 finds that the charges and allegations in Accusation No. 6789, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. The Board finds that the actual costs for Investigation and Enforcement are \$1,380.00
4 as of December 11, 2019.

5 **DETERMINATION OF ISSUES**

6 1. Based on the foregoing findings of fact, Respondent Shannon Donnell Jenkins has
7 subjected his Pharmacy Technician Registration No. TCH 98212 to discipline.

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

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

12 a. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
13 on the grounds of unprofessional conduct, in that Respondent committed acts involving moral
14 turpitude.

15 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
16 on the grounds of unprofessional conduct, in that Respondent tested positive for multiple
17 controlled substances.

18 c. Respondent is subject to disciplinary action pursuant to Code section 4301,
19 subdivision (j) and (o), for unprofessional conduct.

20 d. Respondent is subject to disciplinary action pursuant to Code section 4301,
21 subdivision (p), for unprofessional conduct, which would have warranted denial of licensure.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 98212, issued to Respondent Shannon Donnell Jenkins, is revoked.

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

This Decision shall become effective on February 26, 2020.

It is so ORDERED on January 27, 2020.



Greg Lippe
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

14307816.DOCX
DOJ Matter ID:SD2019701980
Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6789

14 **SHANNON DONNELL JENKINS**
15 **P.O. Box 84701**
San Diego, CA 92138

ACCUSATION

16 **Pharmacy Technician Registration No.**
17 **TCH 98212**

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about February 11, 2010, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 98212 to Shannon Donnell Jenkins (Respondent). The Pharmacy
25 Technician Registration expired on June 30, 2019, and has not been renewed.

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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 (Code) unless otherwise indicated.

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

5. 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.

6. Section 4301 of the Code states:

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:

...

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

...

(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.

...

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

....

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

(p) Actions or conduct that would have warranted denial of a license.

...

REGULATORY PROVISIONS

7. 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

8. 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

9. On or about May 10, 2019, at approximately 2:50 a.m., Police Officer AE observed Respondent traveling eastbound on the 8 freeway, in San Diego, California. straddling the white line between the #3 and #4 lanes traveling at approximately 70 miles per hour. Respondent merged to the 5 freeway traveling 75 miles per hour to pass a slower moving vehicle. Officer AE and his partner JG followed Respondent. Respondent exited the freeway and was unable to maintain his vehicle in his lane. Respondent continued through an intersection at Sunset Cliffs Blvd. and did not stop at a stop sign. Officer AE initiated a traffic enforcement stop.

10. Officer AE approached the driver's side window. Officer AE smelled the odor of alcohol and burnt marijuana emitting from the vehicle. Officer AE noticed Respondent's eyes were watery and red, and his pupils were dilated. Officer AE instructed Respondent to turn off his car and step outside the vehicle. Officer AE noticed that Respondent began to ramble and that

1 Respondent's mouth was very dry. Officer AE explained and demonstrated a series of field
2 sobriety tests, which he could not successfully perform.

3 11. Respondent agreed to submit to a preliminary alcohol screening test and registered a
4 result of .085% and .077%. Officer AE placed Respondent under arrest for driving under the
5 influence of alcohol and drugs. While searching Respondent, Officer AE found a small box and
6 initiated a search of the vehicle. The box contained small baggies with a white powdery
7 substance. Officer JG searched the vehicle and found an open metal safe containing: forty clear
8 plastic baggies containing a white powdery residue, a clear plastic bag containing two crushed
9 orange powdery capsules, 163 empty clear plastic baggies, four empty clear capsules, an
10 electronic scale, a razor blade, one cell phone and various other items. Respondent claimed the
11 items were all for personal use. Officer AE read Respondent his Miranda rights. Respondent
12 refused a drug recognition expert evaluation and was transported to the San Diego CHP Area
13 Office where he refused to submit to a blood draw. Later, Respondent agreed to the blood draw
14 stating, "Whatever take the fucking test, let's do this." The results showed Respondent's blood
15 was positive for amphetamines, benzodiazepines, cannabinoids, opiates, and phencyclidine.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct-Moral Turpitude)**

18 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
19 on the grounds of unprofessional conduct, in that Respondent committed acts involving moral
20 turpitude as fully set forth above in paragraphs 9 through 11, which are incorporated herein by
21 reference.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct – Dangerous Use of Drugs)**

24 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
25 on the grounds of unprofessional conduct, in that Respondent tested positive for multiple
26 controlled substances as fully set forth above in paragraphs, 9 through 11 above, which are
27 incorporated herein by reference.

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THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct- Illegally Obtained or Possession of Controlled Substances)

14. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (j) and (o), for unprofessional conduct, as fully set forth above in paragraphs, 9 through 11 above, which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct-Acts Warranting Denial of Licensure)

15. Respondent is subject to disciplinary action pursuant to Code section 4301, subdivision (p), for unprofessional conduct, which would have warranted denial of licensure as fully set forth above in paragraphs, 9 through 11 above, which are 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 98212, issued to Shannon Donnell Jenkins;
2. Ordering Shannon Donnell Jenkins 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; 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