

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

In the Matter of the Accusation Against:

CLARK ANTHONY REESE, Respondent

Pharmacy Technician Registration No. TCH 156186

Agency Case No. 6930

OAH No. 2020100004

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 January 20, 2021.

It is so ORDERED on December 21, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 MALISSA N. SIEMANTEL
Deputy Attorney General
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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 In the Matter of the Accusation Against:

Case No. 6930

13 **CLARK ANTHONY REESE**
14 **7755 Bloom Way**
Citrus Heights, CA 95610

OAH No. 2020100004

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician Registration No. TCH**
16 **156186**

Respondent.

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

21 **PARTIES**

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

26 2. Clark Anthony Reese (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

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3. On or about August 16, 2016, the Board issued Pharmacy Technician Registration No. TCH 156186 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6930 and will expire on August 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 6930 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 27, 2020. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 6930 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 6930. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

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

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 6930, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician Registration No. TCH 156186 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Pharmacy Technician Registration without further process.

CONTINGENCY

10. 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 he may not withdraw his 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.

11. 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.

12. 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.

13. 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 Registration No. TCH 156186,
issued to Respondent Clark Anthony Reese, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician Registration 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 his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. Respondent may not apply, reapply, or petition for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

5. If he 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. 6930 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

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. 6930 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 pay the agency its costs of investigation and enforcement in the amount of \$4,667.50 prior to issuance of a new or reinstated license.

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ACCEPTANCE

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

DATED: _____
CLARK ANTHONY REESE
Respondent

ENDORSEMENT

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

DATED: Respectfully submitted,
XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

MALISSA N. SIEMANTEL
Deputy Attorney General
Attorneys for Complainant

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1 ACCEPTANCE

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

6
7 DATED: 11/2/20


8 CLARK ANTHONY REESE
9 Respondent

10 ENDORSEMENT

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

13 DATED:

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 KAREN R. DENVIR
17 Supervising Deputy Attorney General

18 MALISSA N. SIEMANTEL
19 Deputy Attorney General
20 Attorneys for Complainant

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ACCEPTANCE

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

DATED: _____
CLARK ANTHONY REESE
Respondent

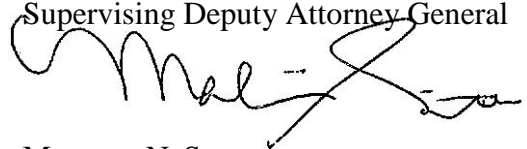
ENDORSEMENT

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

DATED: November 3, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General



MALISSA N. SIEMANTEL
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6930

1 XAVIER BECERRA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 PATRICIA WEBBER HEIM
Deputy Attorney General
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7 *Attorneys for Complainant*

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9 **BEFORE THE**
BOARD OF PHARMACY
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6930

13 **CLARK ANTHONY REESE**
14 **7755 Bloom Way**
Citrus Heights, CA 95610

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **156186**

17 Respondent.

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19
20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about August 16, 2016, the Board issued Technician Registration Number TCH
25 156186 to Clark Anthony Reese (Respondent). The Pharmacy Technician Registration was in
26 full force and effect at all times relevant to the charges brought herein and will expire on August
27 31, 2022, unless renewed.

28 ///

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. Section 4300 of the Code 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. . . .

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.

STATUTORY PROVISIONS

6. Section 4301 of the Code 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:

. . . .

(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

1 to any other person or to the public, or to the extent that the use impairs the ability of
2 the person to conduct with safety to the public the practice authorized by the license.

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

23

24 **COST RECOVERY**

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 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.

29 **FACTUAL ALLEGATIONS**

30 8. On or about October 29, 2019, in the criminal proceeding entitled *People v. Clark*
31 *Anthony Reese* (Sacramento County Super. Ct., Case No. 19MI1015783), Respondent was
32 convicted by the Court on his plea of nolo contendere of violating Vehicle Code section 23103.5
33 (wet/reckless driving with a blood alcohol content of .09%), a misdemeanor. As a result of this
34 conviction, Respondent was sentenced to three (3) years' probation. Respondent was ordered to
35 enroll in and complete a First Offender DUI program, and pay all fines and fees or serve two (2)
36 days in County Jail. The circumstances of the crime are as follows: On or about August 5, 2019,

1 Respondent was involved in a traffic stop after officers observed him to be driving at a high rate
2 of speed. Respondent denied that he was drinking. After he failed field sobriety tests,
3 Respondent was arrested for driving while under the influence of alcohol. Respondent provided
4 two breath samples with his blood alcohol level measure at 0.09/0.09 percent.

5 9. On or about February 6, 2020, in the criminal proceeding entitled *People v. Clark*
6 *Anthony Reese* (Sacramento County Super. Ct., Case No. 19FE019161), Respondent was
7 convicted by the Court on his plea of nolo contendere of violating Penal Code section 487,
8 subdivision (a) (grand theft), a misdemeanor. As a result of this conviction, Respondent was
9 sentenced to serve 180 days in county jail, three (3) years' probation, and ordered to stay away
10 from Stones Casino (located at 6510 Antelope Rd., Citrus Heights, California), and pay all fines
11 and fees. The circumstances of the crime are as follows: On or about March 28, 2019,
12 Respondent was observed on Stones Casino security footage appearing to walk by a booth, return
13 to the booth, sit down and cover an object that was not his, and walk away. A Stones Casino
14 security guard confronted Respondent at the casino doors after he observed Respondent appearing
15 to hold something hidden inside his coat, after which Respondent ran away. The security guard
16 later learned a woman's purse was stolen. The victim told the Citrus Height Police Officer who
17 responded to the incident that she placed her purse in the last booth while she watched her friend
18 perform, and when she returned it was gone. When later questioned by the officer, Respondent
19 continually denied having knowledge of the theft.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Conviction of a Crime)**

22 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),
23 on the grounds of unprofessional conduct, in that Respondent was convicted of crimes that are
24 substantially related to the qualifications, functions, and duties of a pharmacy technician, as more
25 particularly set forth in paragraphs 8-9 above.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit)**

3 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
4 for unprofessional conduct in that Respondent committed acts involving moral turpitude,
5 dishonesty, fraud, deceit, or corruption, as more particularly set forth above in paragraphs 8-9
6 above.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Dangerous Use of Alcohol)**

9 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
10 for unprofessional conduct in that Respondent used alcohol in an extent or manner as to be
11 dangerous or injurious to himself or others, as more particularly set forth above in paragraph 8.

12 **PRAYER**

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

15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 156186,
16 issued to Clark Anthony Reese;

17 2. Ordering Clark Anthony Reese to pay the Board of Pharmacy the reasonable costs of
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
19 125.3; and,

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

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23 DATED: July 21, 2020

Anne Sodergren

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

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