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

In the Matter of the Accusation Against:

**KRISTINA DIANA REES
983 Sandra Court #1
South San Francisco, CA 94080**

**Original Pharmacy Technician Registration
No. TCH 106128**

Respondent.

Case No. 6931

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 14, 2020, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6931 against Kristina Diana Rees (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about November 9, 2010, the Board of Pharmacy (Board) issued Original Pharmacy Technician Registration No. TCH 106128 to Respondent. The Original Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6931 and expired on March 31, 2020, and has not been renewed.

3. On or about April 21, 2020, Respondent was served by Certified Mail copies of the Accusation No. 6931, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is: 983 Sandra Court #1, South San Francisco, CA 94080.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.

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

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

6. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 6931.

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

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

8. Pursuant to its authority under Government Code section 11520, the Board finds 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. 6931, finds that the charges and allegations in Accusation No. 6931, are separately and severally, found to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$1,957.50, as of May 26, 2020.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Kristina Diana Rees has subjected her Original Pharmacy Technician Registration No. TCH 106128 to discipline.

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

3. The Board of Pharmacy is authorized to revoke Respondent's Original Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case: Unprofessional Conduct (Bus. & Prof. Code § 4301, subd. (j).) In particular, during an

1 arrest on or about January 27, 2019, Union City Police Department officers documented
2 Respondent's possession of approximately 1.7 grams of methamphetamine as well as a used glass
3 pipe for the administration of methamphetamine.

4 **ORDER**

5 IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 106128,
6 issued to Respondent Kristina Diana Rees, is revoked.

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

11 This Decision shall become effective at 5:00 p.m. on August 26, 2020.

12 It is so ORDERED on July 27, 2020.

13 FOR THE BOARD OF PHARMACY
14 DEPARTMENT OF CONSUMER AFFAIRS

15
16 By



17 _____
18 Greg Lippe
19 Board President

20 SF2020200690/4220604942206049.DOCX

21 Attachment:
22 Exhibit A: Accusation
23
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27
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Exhibit A

Accusation

In the Matter of the Accusation Against Kristina Dianna Rees

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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. 6931

13 **KRISTINA DIANA REES**
14 **983 Sandra Court #1**
South San Francisco, CA 94080.

ACCUSATION

15 **Original Pharmacy Technician Registration**
16 **No. TCH 106128**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about November 9, 2010, the Board of Pharmacy issued Original Pharmacy
23 Technician Registration Number TCH 106128 to Kristina Diana Rees (Respondent). The
24 Original Pharmacy Technician Registration was in full force and effect at all times relevant to the
25 charges brought herein and will expire on March 31, 2020, unless renewed.

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28 ///

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 118, subdivision (b) states:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

5. Section 4300 states, in 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.

...

“(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of

1 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
2 Civil Procedure.”

3 6. Section 4300.1 states:

4 “The expiration, cancellation, forfeiture, or suspension of a board-issued license by
5 operation of law or by order or decision of the board or a court of law, the placement of a license
6 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
7 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
8 proceeding against, the licensee or to render a decision suspending or revoking the license..”

9 **STATUTORY PROVISIONS**

10 7. Section 4301, subdivision (j) states:

11 “The board shall take action against any holder of a license who is guilty of unprofessional
12 conduct or whose license has been issued by mistake. Unprofessional conduct includes, but is not
13 limited to, any of the following:

14 . . .

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

17”

18 **COST RECOVERY**

19 8. Section 125.3 provides, in part, that the Board may request the administrative law
20 judge to direct a licentiate found to have committed a violation or violations of the licensing act to
21 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

22 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

23 9. Methamphetamine, a central-nervous-system stimulant, is a Schedule II controlled
24 substance, pursuant to Health and Safety Code section 11055, subdivision (d)(2), and a dangerous
25 drug, pursuant to Business and Professions Code section 4022. Possession of methamphetamine
26 without a prescription is prohibited pursuant to Health and Safety Code section 11377.
27 Possession of a pipe associated with administration of methamphetamine is prohibited pursuant to
28 Health and Safety Code section 11364.

1 **CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 10. Respondent subjected her Original Pharmacy Technician Registration to discipline
4 for unprofessional conduct for violating statutes of California regulating possession of controlled
5 substances and dangerous drugs. (Bus. & Prof. Code § 4301, subd. (j).) In particular, during an
6 arrest on or about January 27, 2019, Union City Police Department officers documented
7 Respondent's possession of approximately 1.7 grams of methamphetamine as well as a used glass
8 pipe for the administration of methamphetamine.

9 **PRAYER**

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

12 1. Revoking or suspending Original Pharmacy Technician Registration Number TCH
13 106128, issued to Kristina Diana Rees;

14 2. Ordering Kristina Diana Rees to pay the Board of Pharmacy the reasonable costs of
15 the investigation and enforcement of this case, pursuant to Business and Professions Code section
16 125.3; and

17 3. Taking such other and further action as deemed necessary and proper.
18
19

20 DATED: April 14, 2020



21 ANNE SODERGREN
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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