

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

In the Matter of the Accusation Against:

ALEXANDER MICHAEL DOYLE, Respondent

Pharmacy Technician Registration No. TCH 146966

Agency Case No. 6978

OAH No. 2022010749

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 14, 2022.

It is so ORDERED on November 14, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light gray rectangular background.

Seung W. Oh, Pharm D.
Board President

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
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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 **ALEXANDER MICHAEL DOYLE**
11308 Joffre Street, #3
Los Angeles, CA 90049

14 **Pharmacy Technician Registration No.**
15 **TCH 146966**

16 Respondent.

Case No. 6978
OAH No. 2022010749

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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

19 **PARTIES**

20 1. Anne Sodergren (complainant) is the Executive Officer of the Board of Pharmacy
21 (board). She brought this action solely in her official capacity and is represented in this matter by
22 Rob Bonta, Attorney General of the State of California, by Matthew A. King, Deputy Attorney
23 General.

24 2. Alexander Michael Doyle (respondent) is representing himself in this proceeding and
25 has chosen not to exercise his right to be represented by counsel.

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3. On or about April 3, 2015, the board issued Registration No. TCH 146966 to respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6978 and will expire on August 31, 2022, unless renewed.

JURISDICTION

4. Accusation No. 6978 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 September 9, 2021. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 6978 is attached as exhibit A and herein incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. 6978. 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 understands and agrees that the charges and allegations in Accusation No. 6978, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacy Technician Registration No. TCH 146966.

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9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, respondent agrees that, at a hearing, complainant could establish a factual basis for the charges in the Accusation, and that respondent hereby gives up his right to contest those charges.

10. Respondent agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician Registration No. TCH 146966 for the board's formal acceptance.

11. 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

12. 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.

13. 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.

14. 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.

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15. 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 146966,
issued to respondent, 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 Registration 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 reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

5. If respondent 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. 6978 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. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$27,500 prior to issuance of a new or reinstated license.

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7. 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. 6978 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.

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.

DATED:

ALEXANDER MICHAEL DOYLE
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,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

7. 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. 6978 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.

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.

8/15/2022

DATED:

ALEXANDER MICHAEL DOYLE
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:

8/15/2020

Respectfully submitted,

ROB BONTA
Attorney General of California
SHAWN P. COOK
Supervising Deputy Attorney General

MATTHEW A. KING
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 6978

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6978

13 **ALEXANDER MICHAEL DOYLE**
14 **11308 Joffre Street, #3**
Los Angeles, CA 90049

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **146966**

Respondent.

17
18 **PARTIES**

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

21 2. On or about April 3, 2015, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 146966 to Alexander Michael Doyle (Respondent). The Pharmacy
23 Technician Registration was in full force and effect at all times relevant to the charges brought
24 herein and will expire on August 31, 2022, unless renewed.

25 3. Under Section 4300, the Board may discipline any license, for any reason provided in
26 the Pharmacy Law, (i.e., Sections 4000 et. seq.).

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1 **REGULATORY PROVISIONS**

2 13. California Code of Regulations, title 16, section 1770, states, in pertinent part:

3 For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
5 Professions Code, a crime or act shall be considered substantially related to the
6 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.

7 **COST RECOVERY**

8 14. Section 125.3 provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation of the licensing
10 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

11 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

12 15. “Alprazolam” (brand name – “Zanax”) is a depressant and a Schedule IV controlled
13 substance, as designated by Health & Safety Code section 11057, subdivision (d)(1). It is
14 categorized as a dangerous drug pursuant to Section 4022.

15 16. “Promethazine with Codeine” (brand name – “Phenergan-Codeine”) is a
16 dangerous drug, and a Schedule V controlled substance, as designated by Health & Safety Code
17 section 11058, subdivision (c)(1). Promethazine with Codeine is a prescription cough syrup.

18 17. “Acetaminophen-Codeine (Tylenol with codeine)” is a dangerous drug, and a
19 Schedule III controlled substance, as designated by Health & Safety Code section 11057. It is
20 prescribed to treat mild to moderate pain.

21 **FACTS SUPPORTING CAUSES FOR DISCIPLINE**

22 18. On January 10, 2020, the Board received an email from R.V., District Leader
23 from Rite Aid Corporation notifying the Board of the termination of Pharmacy Technician
24 Alexander Doyle on December 31, 2019. Respondent was terminated from Rite Aid for a
25 violation of company policy and on suspicion of stealing tablets while working at two Rite
26 Aid locations: (1) Rite Aid Pharmacy (Rite Aid) #5485 in Venice and (2) Rite Aid #5489 in
27 Santa Monica. Surveillance video footage from Rite Aid showed Respondent put tablets in
28 his pockets at least on two occasions.

INVESTIGATION/ INSPECTION OF RITE AID # 5485 – VENICE

19. On January 24, 2020, the Board received an email from R.V. with an attached DEA (Drug Enforcement Agency) Form 106 for Rite Aid # 5485 for the aforementioned loss/ theft. In the email provided to the Board by R.V., she provided police report no. 19-154269 which is related to the theft. Below is the information regarding lost or stolen controlled substances contained in DEA Form 106 from Rite Aid #5485:

Table 1. DEA Form 106 from Rite Aid Pharmacy# 5485

List of controlled substances that were lost or stolen	Quantity lost	Date of theft/loss	Theft reported to Police
Acetaminophen-Codeine 30-300	103	12/23/2019	Yes
Acetaminophen/Codeine 300mg/60mg	12	12/23/2019	Yes
Adderall 10 mg	5	12/23/2019	Yes
Alorazolam 0.25mg	3		Yes
Alprazolam 2mg	7	12/23/2019	Yes
Buprenorphine/naloxone 8mg/2mg	7	12/23/2019	Yes
Carisonrodol 350mg	7	12/23/2019	Yes
Clonazepam 0.5mg	3	12/23/2019	Yes
Clonazepam 1mg	1	12/23/2019	Yes
Eszopiclone 2mg	5	12/23/2019	Yes
Eszopiclone 3mg	5	12/23/2019	Yes
Lorazepam 0.5mg	11	12/23/2019	Yes
Lorazepam 2mg	1	12/23/2019	Yes
Nuvigil 150mg	1	12/23/2019	Yes
Oxycodone/acetaminophen 5mg/325mg	1	12/23/2019	Yes
Oxycodone/acetaminophen 10mg/325mg	1	12/23/2019	Yes
Phendimetrazine tartrate 105mg	15	12/23/2019	Yes
Phentermine HCl 15mg	1	12/23/2019	Yes
Phentermine HCl 37.5	1	12/23/2019	Yes
Pregabalin 75mg	75	12/23/2019	Yes
Promethazine VC/Codeine 5mg/10mg/6.25mg	16 ml	12/23/2019	Yes

Zolpidem tartrate 5mg	7	12/23/2019	Yes
Total value of controlled substances taken	\$678.48		

20. On February 7, 2020, two inspectors from the Board conducted an inspection at Rite Aid #5485, located at 888 Lincoln Boulevard, Venice, CA. A pharmacist who was on-duty at the time assisted them with their investigation. The pharmacist advised the inspectors that, prior to the loss, controlled substances Scheduled III, V and V were stored on the active medication shelves along with the general inventory. Schedule II medications were locked in the safe with access only by the pharmacist. While in the pharmacy, an inspector spoke to R.V. over the phone, who stated that she was collecting documents for the Board regarding the theft reported on December 23, 2019. She also informed the inspector that Respondent had been terminated from his employment with Rite Aid on December 31, 2019. Per the pharmacist in charge at the time of the theft, Respondent was arrested by the police for the theft after employees of Rite Aid #5485 reviewed the video surveillance footage from the pharmacy.

21. On February 7, 2020, a pharmacist with Rite Aid #5485 conducted a stock on hand for the brand and generic medications at Rite Aid #5485 which were reported on Form DEA 106.

22. On February 17, 2020, a Board inspector received an email from D.H., Rite Aid Senior Specialist for Board of Pharmacies, in reference to the supporting documents for the loss of controlled substances at Rite Aid # 5485. D.H. provided documents, including but not limited to a statement from R.V. dated February 11, 2020, as follows:

- On December 14, 2019, R.V. received a call from Store Leader Y.A. notifying her that Assistant Leader (AL) M. made her aware Respondent attempted to steal a bottle of alcohol.
- According to Y.A., the case was turned over to the Asset Protection Department.
- On December 20, 2020, R.V. was shown a video labeled "5485 RX Tech conceals small bag of pills on 111019 (sic)" and "5485 RX Tech selects and conceals pills into baggy and later conceals on 112419 (sic)".

- R.V. went to the pharmacy and looked at the area of the inventory at issue.
- According to R.V., it appeared the video taken on 11/24/19 possibly involved alprazolam and the video taken on 11/10/19 possibly involved Tylenol with Codeine (based on the color of manufacturer bottles and the general area where Technician Doyle was standing while retrieving these bottles).
- R.V. stated she found the pharmacy may have a discrepancy in the Tylenol with codeine on-hand count while completing the preliminary counts.
- On 12/23/19, Rite Aid Asset Protection District Leader (APDL) L.P. interviewed Respondent and afterwards he was suspended and arrested by the Santa Monica Police Department.
- According to R.V., Respondent did not admit to any pharmacy inventory theft.

23. The video surveillance from Rite Aid #5485 showed the following:

DATE/TIME ON VIDEO	ACTIVITY SHOWN ON VIDEO
11/10/19 at 14:01	Respondent placed white tablets out of the white bottle to the counting tray, counted tablets and put the bottle back on the shelf. Respondent conceals a small bag of pills. Respondent took a clear zip lock bag and placed white tablets into zip lock bag. Respondent sealed and folded a clear zip lock bag and put it into his left pants' back pocket with his left hand as he left the computer station.
11/10/19 at 14:02	No clear zip lock bag with white pills was observed on the counter by the computer station.
11/24/19 at 14.28.54	Respondent takes a blue medication bottle from the active medication shelf.
11/24/19 at 14.29.00	Respondent counted pills on a tray with a spatula.
11/24/19 at 14.29.31	Respondent placed a blue medication bottle back on the active inventory shelf.
11/24/19 at 14.29.41	Respondent obtained a zip lock bag and poured the tablets from the medication tray into the zip lock bag.
11/24/19 at 14.29.45	Respondent held the zip lock bag with his left hand while folding it.
11/24/19 at 14.29.49	Respondent sat on the stool while holding the clear zip lock.
11/24/19 at 14.29.52	Respondent places the clear zip lock bag with tablets with his right hand into his right front pants pocket.
12/15/19 at 14.30.42	Respondent goes behind the ScriptPro robot.

12/15/19 at 14.30.45	Respondent obtained a bottle and carried it with both hands. He proceeds to the check stand, pours liquid from the bottle into a cup and drinks from the cup.
12/15/19 at 14.30.50	Respondent brought a brown bottle with white label and white cap of liquid and placed it near the computer station.
12/15/19 at 14.31.27	Respondent unscrewed the white bottle cap.
12/15/19 at 14.31.32	Respondent poured contents of the brown bottle into a small cup.
12/15/19 at 14.32.12	Respondent drank the contents of the cup.
12/15/19 at 14.30.40-14.33.43	Respondent returns the brown bottle to a computer work station after he drank from it.
12/15/19 at 14.35.46	Respondent returns the prescription bottle he drank out of to a shelf in the rear of the pharmacy and comes out of the corner of ScriptPro where the prescription cough syrup is stored.
12/15/19 at 14.43	Respondent consumed a tablet of unknown origin.

24. On February 24, 2020, the Board's Inspector received a written statement by Rite Aid APDL L.P., attesting to the loss of controlled substances at Rite Aid #5485, and stating that he and two of his colleagues conducted extensive video surveillance review during Respondent's shifts. The following is a summary of L.P.'s statement:

During his shift at Rite Aid #5485 on November 10, 2019, Respondent selected a bottle of controlled prescription medication and counted it onto a tray. He then selected a pill baggy from the cabinet, poured the pills into the baggy and concealed them into his rear pants pocket.

The surveillance during Respondent's shift at Rite Aid #5485 on November 24, 2019 showed that he selected a bottle of controlled prescription drugs and counted several pills into the tray. He placed the pills into a small baggy, went to the stool, sat down and concealed the baggy into his right front pocket.

The surveillance from Respondent's shift at Rite-Aid #5485 on December 15, 2019 showed him selecting a bottle of liquid controlled substance, pouring himself some of the controlled medication into a cup, and consuming it. He then returned the liquid to his work station and continued working. He returned the controlled substance to the shelf.

25. On March 2, 2020, Respondent was interviewed by the Board Inspector regarding the above incidents. Respondent stated that he was employed as a pharmacy technician for five years. The technician and pharmacist filled the prescriptions for controlled substances III, IV

1 and V. He attributed his termination from Rite Aid to a failed standard bag check. He bought a
2 couple of items in the store and by the end of his shift, he had the wrong receipt. He apparently
3 lost the correct receipt, but he had a different receipt in his pocket.

4 26. Respondent was called into the office around December 24, 2020, and interviewed
5 by Asset Protection. They showed him the video. Respondent told them that he didn't steal
6 anything and asked to talk to the union. Around 30 minutes later, the police appeared and
7 arrested him. Besides the pills in the bag, he had just returned from a trip to the Philippines and
8 was ill. He reported to work anyway in the Venice store, and bought Dayquil, Advil and Sudafed
9 so that he could get through his shift.

10 27. On March 2, 2020, the Board Inspector interviewed the pharmacist in charge of Rite
11 Aid, J.S., to clarify the video footage from Rite Aid #5485. J.S. said that the video showed
12 Respondent counting tablets from the blue bottle, which is alprazolam manufactured by Mylan.
13 The area on the video where Respondent obtained the bottle was where the controlled medication
14 alprazolam was stored.

15 28. On March 11, 2020, the Board Inspector received another statement dated March 10,
16 2020 from APDL L.P., which is summarized as follows:

17 The bottle Respondent selected was from the general area of inventory where controlled
18 substances were located. The blue bottle in the video was pulled from the general area
19 where the alprazolam was located.

20 The dark colored bottle with a white top and white label was located behind the dispensing
21 robot, ScriptPro.

22 On December 15, 2019 at 14:30 Respondent was seen on video reaching behind the robot,
23 and pouring liquid out of the dark colored bottle with the white top and label into a cup.
24 He drank the contents of the cup.

25 APLD L.P. provided the inspector with a photograph of the bottle typically stored behind
26 ScriptPro, and the label on the brown bottle with the white label and white lid states:

27 ***"Promethazine Hydrochloride and Codeine Phosphate Oral Solution."***
28

29. Between February 14, 2020 and April 14, 2020, the Board Inspector obtained audit documents from Rite Aid #5484. On March 18, 2020, the inspector received documents from Rite Aid's #5485 pharmaceutical supplier, McKesson. The inspector also collected inventory documents and reconciliation reports from Rite Aid #5485 during the February 7, 2020 inspection.

30. The Board performed an audit, which showed the following losses of medication from Rite Aid #5485 from April 29, 2018 through December 27, 2019: (1) acetaminophen-codeine 30mg/300mg; (2) acetaminophen-codeine 30mg/60mg; promethazine codeine syrup. The audit supported that the losses of these drugs were due to theft by Respondent.

INVESTIGATION/ INSPECTION OF RITE AID # 5489 – SANTA MONICA

31. In her email to the Board on January 20, 2020, R.V. provided the following information from Form DEA 106 regarding the loss/theft of controlled substances from Rite Aid #5489 in Santa Monica:

Table 1. DEA Form 106 from Rite Aid Pharmacy# 5489

List of controlled substances that were lost or stolen	Quantity lost/stolen	Date of theft/loss	Theft reported to Police
Acetaminophen-Codeine 30-300	243	12/23/2019	Yes
Aprazolam 0.25mg	3	12/23/2019	Yes
Alprazolam 1mg	31	12/23/2019	Yes
Alprazolam XR 0.25mg	27	12/23/2019	
Buprenorphine/naloxone 8mg/2mg	30	12/23/2019	Yes
Clonazepam 0.5mg	93	12/23/2019	Yes
Clonazepam 2mg	1	12/23/2019	Yes
Dextroamphetamine 5mg	60	12/23/2019	
Dextroamphetamine salts 20mg	1	12/23/2019	
Diazepam 2mg	1	12/23/2019	
Diphenoxylate/atrophine 2.4mg/0.25mg	1	12/23/2019	
Eszopiclone 1mg	1	12/23/2019	
Eszopiclone 2mg	2	12/23/2019	Yes
Eszopiclone 3mg	10	12/23/2019	Yes
Lacosamide 100mg	4	12/23/2019	Yes
Lorazepam 1mg	65	12/23/2019	Yes

Modafinil 200mg	29	12/23/2019	Yes
Oxazepam 10mg	101	12/23/2019	Yes
Lyrica 50mg	1	12/23/2019	Yes
Temazepan 30mg	2	12/23/2019	Yes
Temazepan 7.5mg	6	12/23/2019	Yes
Testosterone 200 mg/ml	3	12/23/2019	Yes
Testosterone 25 mg (1%)	45 gm	12/23/2019	Yes
Tramadol 50 mg	65	12/23/2019	Yes
Tramadol/acetaminophen 50mg/325 mg	1	12/23/2019	Yes
Total value of controlled substances taken	\$2,806.25		

32. On February 18, 2020, two Board Inspectors conducted an inspection of Rite Aid #5489, located at 1808 Wilshire Blvd., Santa Monica, CA. An inspector spoke with pharmacist in charge, S.D., who stated that she was out of the country when the theft of drugs occurred at Rite Aid #5489. According to S.D., she had not noticed any loss of medication *since* the last theft/loss incident on December 23, 2019.

33. S.D. also informed the inspectors that the Rite Aid #5489 wholesalers were McKesson and Anda and the reverse distributor was MedTurn, Inc.

34. On February 7, 2020, a pharmacist with Rite Aid #5485 conducted a stock on hand for the brand and generic medications at Rite Aid #5485 which were reported on DEA Form 106.

35. The Board received a statement from Rite Aid Pharmacy District Manager R.V. dated February 13, 2020, which stated the following: ·

- On December 14, 2019, R.V. received a call from Store Leader Y.A. notifying her Assistant Leader (AL) M. made her aware that Respondent attempted to steal a bottle of alcohol.
- According to Y.A., the case was turned over to Asset Protection Department.
- On December 19, 2019, R.V. was shown a video labeled "5489 RX Tech takes bottle of prescription drugs on 121719 (sic)".

1 36. On February 24, 2020, a Board Inspector received a statement by APDL L.P. dated
2 February 18, 2020 about the loss of controlled substances at Rite Aid #5489, which stated as
3 follows:

4 On December 17, 2019 at approximately 8.58 p.m., APDL L.P. observed that

5 Respondent selected an unknown bottle of controlled medication and conceal it into his
6 right front pocket.

7 37. The video surveillance taken at Rite Aid #5489 on December 17, 2019 at 20:58:41
8 shows Respondent take a medication bottle and place it in his right hand pants pocket with his
9 right hand.

10 38. On April 27, 2020, the inspector received acquisition and disposition data used in the
11 audit for the controlled substances identified on the Form DEA 106 for Rite Aid #5489. On the
12 same date, the inspector also received pharmacy data for Rite Aid #5489 from S.H. a McKesson
13 Senior Legal Specialist.

14 39. The inspector conducted an audit from November 3, 2019 through February 7, 2020
15 for the following five controlled substances which were reported as lost or stolen from Rite Aid
16 #5489 to the DEA: (1) acetaminophen/codeine 300mg/30mg; (2) alprazolam 0.25 mg;
17 (3) alprazolam 1mg; (4) alprazolam XR 1mg; and (5) clonazepam 0.5mg.

18 40. For alprazolam 1mg, the audit showed a positive variance of 62 tablets. This indicates
19 a shortage of tablets where the purchases/acquisitions of alprazolam 1mg were greater than the
20 sales/disposition for alprazolam 1mg. The Board's audit of Rite Aid #5489 showed that there
21 was a loss of alprazolam 1mg at Rite Aid #5489 from November 13, 2019 through February 7,
22 2020. The evidence supported the loss of alprazolam 1mg was due to employee pilferage by
23 Respondent.

24 41. A Santa Monica Police Department Incident Report states that the police were
25 dispatched to the Rite Aid store at 1808 Wilshire Blvd. regarding an embezzlement investigation
26 that a current employee, Alexander Doyle (who had been working for Rite Aid since 2015), had
27 been stealing narcotics from the store. Rite Aid APDL L.P. was interviewed by the police, and he
28 informed them of the following facts:

- On December 10, 2019, Respondent was caught attempting to take a 1.75 liter of Jack Daniels and other merchandise from the store. He did not have a receipt for the merchandise and only provided an old receipt. Review of the store's video footage from December 10, 2019 at approximately 7:35 p.m. showed Respondent taking a large bottle of Jack Daniels from the liquor area and putting it inside a plastic Rite Aid bag. At approximately 9:30 p.m., the video showed Respondent selecting a Polo cologne box and placing it on top of the cashier desk. Moments later, he took the cologne and walked towards the rear of the store. Respondent later attempted to leave the store without paying for this merchandise.
- On December 12, 2019, an inventory was conducted which revealed a Polo cologne box valued at \$75.00 was missing.
- On December 15, 2019 at approximately 2:35 p.m., Respondent was working at Rite Aid #5485 (Venice). The video footage shows him pouring a liquid substance from a bottle into a small cup and drinking it. He is also seen later in his shift taking Armoral car wipes. He placed items into a Rite Aid plastic bag at the end of his shift and he did not pay for them.
- On December 17, 2019 at approximately 4:23 p.m., Respondent entered Rite Aid #5489 (Santa Monica) and walked towards the beer cooler area where he selected a black aluminum can, and then consumed the beverage throughout his shift. He discarded the can in the trash in the pharmacy area. At approximately 8:58 p.m., Respondent selected a small white, cylindrical container measuring approximately 2 ½ inches in length by 1 inch wide, and placed it inside his right front pant pocket. Respondent looked over his shoulder as he adjusted the items inside his pocket. At approximately 9:00 p.m., Respondent closed the pharmacy and left the front entrance without paying for the item.
- Based upon the video footage, L.P. concluded Respondent had been stealing drinks and medication from the store. L.P. believed the prescription bottle he took from the pharmacy is alprazolam and the recent inventory count reveals there is a missing medication. The estimated price for one bottle of alprazolam is \$628.59.

42. A police officer contacted Respondent inside the manager's office. Respondent admitted that he had taken the beverages and said he had a "bad habit of drinking the beverages before paying for them." During a pat-down on Respondent, he attempted to pull away and was subsequently immediately restrained and placed under arrest.

43. On or about January 14, 2020, a criminal case was filed against Respondent in the Superior Court of the State of California, County of Los Angeles, Case No. 0AR21097, entitled *People v. Alexander Michael Doyle*, which alleged three misdemeanor counts for violations of Penal Code section 503 [fraudulently appropriating property entrusted to him]. At the pretrial hearing on July 21, 2021, the criminal case was dismissed due to Respondent's completion of one year of diversion that included five days of community service.

FIRST CAUSE FOR DISCIPLINE

(Respondent Doyle - Acts Involving Dishonesty, Fraud, or Deceit)

44. Respondent Doyle is subject to disciplinary action under Section 4301, subdivision (f), in that he committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself, or substantially injure another, when he stole merchandise and controlled substances from his employer, while on duty as a pharmacy technician at Rite Aid #5485 and #5489, as alleged above in Paragraphs 18 through 43, which are incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Respondent Doyle – Unlawful Possession of Controlled Substances/Dangerous Drugs)

45. Respondent Doyle is subject to disciplinary action under Section 4301, subdivisions (j) and/or (o), for violating Section 4060, Health and Safety Code sections 11158, subdivision (a), 11170 and 11171 and CFR, title 21 section 843, subdivision (a)(3) in that, in 2019, he was in illegal possession of controlled substances without a valid prescription, while on duty as a pharmacy technician at Rite Aid #5485 and #5489, as more particularly set forth in Paragraphs 18 through 43, which are incorporated by reference as if fully set forth herein.

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THIRD CAUSE FOR DISCIPLINE
(Self Administration of a Controlled Substance/Dangerous Drug)

46. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that, on or about December 15, 2019, while employed and on duty as a pharmacy technician at Rite Aid #5485, Respondent poured liquid from a bottle of promethazine with codeine cough syrup into a cup and drank from it, as described in Paragraphs 18 through 43, above, which are incorporated 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 146966, issued to Alexander Michael Doyle;
2. Ordering Alexander Michael Doyle 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: 8/19/2021 _____

Signature on File _____

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

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