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

In the Matter of the Accusation Against:

**SHONELLE M. PEARSON**  
542 Gonzales Dr.  
Vacaville, CA 95688

**Pharmacy Technician Registration No. TCH  
45904**

Respondent.

Case No. 6986

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about August 27, 2020, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6986 against Shonelle M. Pearson (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about November 26, 2002, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 45904 to Shonelle M. Pearson (Respondent). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in this Accusation and will expire on March 31, 2022, unless renewed.

1           3.     On or about August 31, 2020, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 6986, 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: 542 Gonzales Drive, Vacaville, CA 95688.

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

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

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

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
17 waived her right to a hearing on the merits of Accusation No. 6986.

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

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6986,  
28 finds that the charges and allegations in Accusation No. 6986, 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 \$3,262.50  
as of October 9, 2020.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Shonelle M. Pearson has  
3 subjected her Original Pharmacy Technician Registration No. TCH 45904 to discipline.

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

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

9 a. Business and Professions Code section 4301, subdivision (g) (Unprofessional  
10 Conduct – False Statement in Application);

11 b. Business and Professions Code section 4301, subdivision (h) (Unprofessional  
12 Conduct – Dangerous Use of Alcohol);

13 c. Business and Professions Code section 4301, subdivision (l) (Unprofessional Conduct  
14 – Conviction of a Substantially-Related Crime).

15 **ORDER**

16 IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 45904,  
17 issued to Respondent Shonelle M. Pearson, is revoked.

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

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This Decision shall become effective on December 23, 2020 at 5:00 p.m.

It is so ORDERED on November 23, 2020.

THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

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Greg Lippe  
Board President

91303289.DOCX  
DOJ Matter ID:OK2020900250

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 CARL W. SONNE  
Senior Assistant Attorney General  
3 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
4 State Bar No. 161082  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0983  
Facsimile: (510) 622-2270  
7 [Diann.Sokoloff@doj.ca.gov](mailto:Diann.Sokoloff@doj.ca.gov)  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:  
13 **SHONELLE M. PEARSON**  
14 **542 Gonzales Dr.**  
**Vacaville, CA 95688**  
15  
16 Pharmacy Technician Registration No. TCH  
45904  
17 Respondent.

Case No. 6986

**A C C U S A T I O N**

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 26, 2002, the Board of Pharmacy issued Pharmacy Technician  
23 Registration No. TCH 45904 to Shonelle M. Pearson (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought in this  
25 Accusation and will expire on March 31, 2022, unless renewed.

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1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 7. Section 4301 of the Business and Professions Code, in pertinent part, states:

4 "The board shall take action against any holder of a license who is guilty of unprofessional  
5 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is  
6 not limited to, any of the following:

7 . . .

8 "(g) Knowingly making or signing any certificate or other document that falsely represents  
9 the existence or nonexistence of a state of facts.

10 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
11 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
12 oneself, to a person holding a license under this chapter, or to any other person or to the public, or  
13 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
14 practice authorized by the license.

15 . . .

16 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
17 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
18 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
19 substances or of a violation of the statutes of this state regulating controlled substances or  
20 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
21 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
22 The board may inquire into the circumstances surrounding the commission of the crime, in order  
23 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
24 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
25 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
26 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
27 of this provision. The board may take action when the time for appeal has elapsed, or the  
28 judgment of conviction has been affirmed on appeal or when an order granting probation is made

1 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
2 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
3 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
4 indictment.

5 . . .

6 8. Section 125.3 of the Business and Professions Code states, in pertinent part, that the  
7 Board may request the administrative law judge to direct a licentiate found to have committed a  
8 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
9 investigation and enforcement of the case.

10 FACTUAL BACKGROUND

11 9. On or about January 14, 2020, in a criminal proceeding entitled *The People of the*  
12 *State of California v. Shonelle M. Pearson* in Sacramento County Superior Court, Case No.  
13 19MI019645, Respondent pled no contest and was convicted of driving under the influence of  
14 alcohol with a blood alcohol content of 0.08 percent or higher, a misdemeanor. (Veh. Code, §§  
15 23152, subd. (b).) Respondent was placed on probation for three years with certain terms and  
16 conditions which included serving 40 days in the Sheriff's Work Release Program. The  
17 circumstances which lead to the conviction are that on or about September 28, 2019, at  
18 approximately 5:39 a.m., a California Highway Patrol Officer observed Respondent's vehicle  
19 traveling without its headlights engaged. The vehicle began to weave before running a red light.  
20 Upon contact with Respondent, the officer noticed that her eyes were red and watery. The officer  
21 instructed Respondent to exit the vehicle and she complied. As Respondent walked back to the  
22 front of the patrol vehicle, the officer noticed that she was unsteady. As Respondent stood before  
23 him and responded to further questioning, the officer could smell alcohol on her breath and she  
24 continued to be unsteady on her feet. The officer asked Respondent how much she had to drink  
25 and Respondent admitted to having consumed 1-2 glasses of wine around 10:00 p.m. the night  
26 prior. Respondent also disclosed that she had taken one dose of her prescription medication for  
27 nerve pain at approximately 10:00 a.m. the morning prior. The officer demonstrated and  
28 explained a series of field sobriety tests to which Respondent was unable to complete

1 satisfactorily. Respondent was arrested for driving under the influence of alcohol. Respondent  
2 submitted to a chemical blood test, which resulted in a blood alcohol content of 0.34 percent.

3 10. On February 6, 2020, the Board received Respondent's pharmacy technician license  
4 renewal application, signed on January 27, 2020. Respondent marked "no" to the conviction  
5 question, thus failing to disclose that she had been convicted of a DUI on January 14, 2020.

6 FIRST CAUSE FOR DISCIPLINE  
7 (Unprofessional Conduct – False Statement in Application)

8 11. Respondent's pharmacy technician license is subject to disciplinary action in that she  
9 knowingly made a false statement of fact that is required to be revealed in her application for the  
10 renewal of her license. (Bus. & Prof. Code § 4301(g)). The circumstances are fully set forth in  
11 paragraphs 9 and 10, above.

12 SECOND CAUSE FOR DISCIPLINE  
13 (Unprofessional Conduct – Dangerous Use of Alcohol)

14 12. Respondent's pharmacy technician license is subject to disciplinary action in that she  
15 used alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or, any  
16 other person, or the public. (Bus. & Prof. Code § 4301(h)). Specifically, Respondent was  
17 arrested for driving under the influence of alcohol. The circumstances are fully set forth in  
18 paragraphs 9 and 10, above.

19 THIRD CAUSE FOR DISCIPLINE  
20 (Unprofessional Conduct – Conviction of a Substantially-Related Crime)

21 13. Respondent's pharmacy technician license is subject to disciplinary action in that she  
22 was convicted of a crime substantially related to the qualifications, functions, and duties of a  
23 licensee. (Bus. & Prof. Code § 4301(l)). Specifically, Respondent was convicted of driving with  
24 a blood alcohol content of .08 percent or higher. The circumstances are fully set forth in  
25 paragraphs 9 and 10, above.

26 PRAYER

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

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1. Revoking or suspending Pharmacy Technician Registration No. TCH 45904, issued to Shonelle M. Pearson;
2. Ordering Shonelle M. Pearson 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/27/2020

*Anne Sodergren*

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

OK2020900250