

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

In the Matter of the Accusation Against:

SHAWN FRANCIS DOLOHAN, Respondent

Pharmacy Technician Registration No. TCH 178275

Agency Case No. 7327

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 November 2, 2022.

It is so ORDERED on October 3, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 KATELYN E. DOCHERTY
Deputy Attorney General
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1300 I Street, Suite 125
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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. 7327

13 **SHAWN FRANCIS DOLOHAN**
4335 Continental Way
14 Stockton, CA 95207

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacy Technician License No. TCH**
16 **178275**

Respondent.

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Rob Bonta, Attorney General of the State of California, by Katelyn E. Docherty, Deputy Attorney
26 General.

27 2. Shawn Francis Dolohan (Respondent) is representing himself in this proceeding and
28 has chosen not to exercise his right to be represented by counsel.

3. On or about August 25, 2020, the Board issued Pharmacy Technician License No. TCH 178275 to Shawn Francis Dolohan (Respondent).

4. On or about August 10, 2020, Respondent's license was temporarily suspended when he stipulated to an Interim Suspension Order that will remain in effect until the resolution of Accusation No. 7327. Respondent's license will expire on September 30, 2023, unless renewed.

JURISDICTION

5. Accusation No. 7327 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 August 18, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 7327 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7327. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

7. 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.

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7327, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician License No. TCH 178275 for the Board's formal acceptance.

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

CONTINGENCY

11. 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.

12. 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.

13. 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.

14. 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:

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 178275, issued to Respondent Shawn Francis Dolohan, is surrendered and accepted by the Board.

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

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. 7327 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$6,500.00 prior to issuance of a new or reinstated license.

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. 7327 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 not apply for licensure for three (3) years from the effective date of the Board's decision and Order.

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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 License. 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: _____
SHAWN FRANCIS DOLOHAN
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
KAREN R. DENVIR
Supervising Deputy Attorney General

KATELYN E. DOCHERTY
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 License. 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: 8-29-2022


8 SHAWN FRANCIS DOLOHAN
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: 8-29-2022

Respectfully submitted,

14 ROB BONTA
15 Attorney General of California
16 KAREN R. DENVIR
17 Supervising Deputy Attorney General

18 KATELYN E. DOCHERTY
19 Deputy Attorney General
20 Attorneys for Complainant

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DATED: _____

SHAWN FRANCIS DOLOHAN
Respondent

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: 9/1/2022

Respectfully submitted,

ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General

KATELYN E. DOCHERTY
Deputy Attorney General
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 License. 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: _____
SHAWN FRANCIS DOLOHAN
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
KAREN R. DENVIR
Supervising Deputy Attorney General

KATELYN E. DOCHERTY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7327

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 KATELYN E. DOCHERTY
Deputy Attorney General
4 State Bar No. 322028
1300 I Street, Suite 125
5 P.O. Box 944255
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6 Telephone: (916) 210-6277
Facsimile: (916) 327-8643
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13 **SHAWN FRANCIS DOLOHAN**
14 **4335 Continental Way**
Stockton, CA 95207

ACCUSATION

15 **Pharmacy Technician License No. TCH**
16 **178275**

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 August 25, 2020, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 178275 to Shawn Francis Dolohan (Respondent). The Pharmacy
24 Technician License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on September 30, 2023, unless renewed.

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

1 4. Section 4300 of the Code states, in pertinent part:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found
 guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one year.

8 (4) Revoking his or her license.

9 (5) Taking any other action in relation to disciplining him or her as the board in
10 its discretion may deem proper.

11 ...

12 (e) The proceedings under this article shall be conducted in accordance with
13 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
14 Government Code, and the board shall have all the powers granted therein. The
 action shall be final, except that the propriety of the action is subject to review by the
 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

15 5. Section 4300.1 of the Code states:

16 The expiration, cancellation, forfeiture, or suspension of a board-issued license
17 by operation of law or by order or decision of the board or a court of law, the
18 placement of a license on a retired status, or the voluntary surrender of a license by a
19 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.

20 **STATUTORY PROVISIONS**

21 6. Section 4301 of the Code states, in pertinent part:

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

24 ...

25 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
26 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.

27 ...

28 (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, of 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.

...

7. Section 4022 of the Code states:

Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: Caution: federal law prohibits dispensing without prescription, Rx only, or words of similar import.

(b) Any device that bears the statement: Caution: federal law restricts this device to sale by or on the order of a _____, Rx only, or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

8. Section 4059, subdivision (a), of the Code states:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

9. Section 4060 of the Code states:

A person shall not possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the

possession of any controlled substance by a manufacturer, wholesaler, third-party logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, if in stock in containers correctly labeled with the name and address of the supplier or producer. This section does not authorize a certified nurse-midwife, a nurse practitioner, a physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and devices.

COST RECOVERY

10. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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.

DRUG DESCRIPTIONS

11. Hydrocodone/acetaminophen is the generic name for Norco and is a dangerous drug pursuant to Code section 4022. Hydrocodone/acetaminophen is a schedule two controlled substance, pursuant to Health and Safety Code section 11055. Hydrocodone/acetaminophen is indicated for use for the treatment of pain.

FACTUAL ALLEGATIONS

12. In and between December 31, 2020 and September 17, 2021, Respondent worked for Walgreens Pharmacy #10482 in Stockton, California (hereinafter Walgreens), as a pharmacy technician.

13. On or around September 15, 2022, Walgreens store manager was made aware by a team member that they had observed Respondent was not paying for break food items.

14. On or around September 17, 2021, Walgreens Asset Protection interviewed Respondent about his failure to pay for food products. During this interview Respondent admitted that over the past seven months he had taken consumable items from the sales floor and not paid for them. Additionally, Respondent informed Asset Protection that he had also taken approximately 30 tablets of hydrocodone-APAP 10-325 mg while filling and counting patient medication. Respondent stated he had stolen \$163.89 in items from Walgreens.

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15. On or around September 17, 2021, Respondent further told Walgreens Asset Protection he “took the Norco during night shift when my eyes and my head started hurting.”

16. On or around September 17, 2021, Respondent was terminated from Walgreens.

17. Walgreens Pharmacy performed an audit for the date range of December 10, 2020 to September 29, 2021, which revealed a loss of the following: 9 tablets of hydrocodone-APAP 5-325mg; 586 tablets of hydrocodone-APAP 7.5-325mg; and 1679 tablets of hydrocodone-APAP 10-325mg.

18. On or around December 14, 2021, Board Investigator KN contacted Respondent regarding the incidents at Walgreens. Respondent told Investigator KN that every time his eyes hurt, he took one tablet of Norco. Respondent further stated that during the course of 9 to 10 months he took approximately 15 to 30 tablets in total. Respondent further told Investigator KN that he did not have a valid prescription of Norco.

FIRST CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

19. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The circumstances are that on and between December 31, 2020 to September 17, 2021, Respondent stole food items and controlled substances/dangerous drugs and other items from the Walgreens's pharmacy where he was employed, as set forth in paragraphs 13-18, above.

SECOND CAUSE FOR DISCIPLINE

(Violation of Laws/Regulations Governing Pharmacy)

20. Respondent is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), in that Respondent violated state laws and regulations governing pharmacy. The circumstances are as follows:

a. Respondent violated Code section 4059, subdivision (a), by furnishing dangerous drugs, specifically hydrocodone-APAP, to himself when he was not in possession of a valid prescription for said dangerous drugs, as set forth in paragraphs 13-18, above.

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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 License Number TCH 178275, issued to Shawn Francis Dolohan;

2. Ordering Shawn Francis Dolohan 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: 8/16/2022

Signature on File

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

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