

1
2
3
4
5
6
7
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 **VERONIQUE MARY ASHBY**
14 **25259 Dewolfe Rd**
Newhall, CA 91321

15 **Pharmacy Technician Registration No. TCH**
16 **99451**

17 Respondent.
18

Case No. 7509

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

19
20 **FINDINGS OF FACT**

21 1. On or about May 30, 2023, Complainant Anne Sodergren, in her official capacity as
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
23 Accusation No. 7509 against Veronique Mary Ashby (Respondent) before the Board of
24 Pharmacy. (Accusation attached as Exhibit A.)

25 2. On or about March 22, 2010, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 99451 to Respondent. The Pharmacy Technician Registration
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 7509
28 and expired on May 31, 2023, and has not been renewed. This lapse in licensure, however,

1 pursuant to Business and Professions Code sections 118(b) and 4300.1, does not deprive the
2 Board of its authority to institute or continue this disciplinary proceeding.

3 3. On or about June 7, 2023, Respondent was served by Certified and First Class Mail
4 copies of the Accusation No. 7509, Statement to Respondent, Notice of Defense, Request for
5 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
6 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
7 is required to be reported and maintained with the Board. Respondent's address of record was
8 and is: 25259 Dewolfe Rd., Newhall, CA 91321.

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

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

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

17 6. The Board takes official notice of its records and the fact that Respondent failed to
18 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
19 waived her right to a hearing on the merits of Accusation No. 7509.

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

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
28 finds that the charges and allegations in Accusation No. 7509, 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
\$5,756.50, as of July 5, 2023.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Veronique Mary Ashby has
3 subjected her Pharmacy Technician Registration No. TCH 99451 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 Pharmacy Technician
6 Registration based upon the following violations alleged in the Accusation which are supported
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Business and Professions Code section 4301, subdivision (h) – Dangerous Use of
9 Alcohol; and

10 b. Business and Professions Code section 4301 – Unprofessional Conduct.

11 **ORDER**

12 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 99451, issued to
13 Respondent Veronique Mary Ashby, is revoked.

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

18 This Decision shall become effective at 5:00 p.m. on August 30, 2023.

19 It is so ORDERED on July 31, 2023.

20
21
22 BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

23
24 66063099.DOCX
DOJ Matter ID:LA2023601226

25 Attachment:
26 Exhibit A: Accusation

By 

Seung W. Oh, Pharm. D.
Board President

Exhibit A

Accusation

(VERONIQUE MARY ASHBY)

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MARISSA N. HAMILTON
Deputy Attorney General
4 State Bar No. 322489
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6701
6 Facsimile: (916) 731-2126
E-mail: Marissa.Hamilton@doj.ca.gov
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. 7509

13 **VERONIQUE MARY ASHBY**
14 **25259 Dewolfe Rd**
Newhall, CA 91321

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **99451**

17 Respondent.

18
19
20 **PARTIES**

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

23 2. On or about March 22, 2010, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 99451 to Veronique Mary Ashby (Respondent). The Pharmacy
25 Technician Registration was in full force and effect at all times relevant to the charges brought
26 herein and will expire on May 31, 2023, unless renewed.

27 ///

28 ///

JURISDICTION

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

4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

5. Section 4300, subdivision (a) of the Code provides that every license issued by the Board may be suspended or revoked.

6. 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

7. Section 477 of the Code states, in part: “As used in this division: . . . (b) “License” includes certificate, registration or other means to engage in a business or profession regulated by this code.”

8. 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 includes, but is not limited to, any of the following:

. . .

(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.

. . .

///

///

1 9. Section 4307, subdivision (a), of the Code states:

2 (a) Any person who has been denied a license or whose license has been
3 revoked or is under suspension, or who has failed to renew his or her license while it
4 was under suspension, or who has been a manager, administrator, owner, member,
5 officer, director, associate, partner, or any other person with management or control
6 of any partnership, corporation, trust, firm, or association whose application for a
7 license has been denied or revoked, is under suspension or has been placed on
8 probation, and while acting as the manager, administrator, owner, member, officer,
9 director, associate, partner, or any other person with management or control had
10 knowledge of or knowingly participated in any conduct for which the license was
11 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
12 as a manager, administrator, owner, member, officer, director, associate, partner, or in
13 any other position with management or control of a licensee as follows:

14 (1) Where a probationary license is issued or where an existing license is placed
15 on probation, this prohibition shall remain in effect for a period not to exceed five
16 years.

17 (2) Where the license is denied or revoked, the prohibition shall continue until
18 the license is issued or reinstated.

19 **COST RECOVERY**

20 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licensee found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
25 included in a stipulated settlement.

26 **FACTUAL ALLEGATIONS**

27 11. At all times relevant herein, Respondent was employed as an inpatient pharmacy
28 technician at Olive View Medical Center located in Sylmar, California, on contract through
staffing agency Rx Relief.

12. On or about November 4, 2022, Respondent was observed entering the outpatient
pharmacy. Immediately thereafter, an empty pocket-sized bottle of whiskey was found on the
floor near Respondent. When the pharmacist-in-charge of the outpatient pharmacy approached
Respondent and asked if the whiskey bottle belonged to Respondent, Respondent initially denied
it, but then responded "Maybe. Can I have it back?" Respondent's behavior exhibited signs that

1 she was under the influence of alcohol; specifically, the pharmacist-in-charge observed that
2 Respondent's eyes were red, Respondent had trouble directing her vision towards her, and
3 Respondent's speech was irregular.

4 13. The pharmacist-in-charge then proceeded to contact Respondent's immediate
5 supervisor, however, upon return, it was determined that Respondent had left the pharmacy prior
6 to the end of her shift and did not return. Upon review of the pharmacy's video surveillance,
7 Respondent's supervisors were able to observe and confirm that the whiskey bottle fell from
8 Respondent's person onto the floor of the outpatient pharmacy.

9 14. Olive View Medical Center contacted staffing agency Rx Relief to notify them of the
10 incident, and indicated that Respondent was not to return to employment at Olive View Medical
11 Center. Rx Relief attempted to contact Respondent several times to discuss the incident, but
12 Respondent failed to respond to Rx Relief. Respondent is no longer eligible to be staffed through
13 Rx Relief.

14 15. During the Board's investigation, the investigator made several attempts to schedule
15 an interview with Respondent to discuss the incident, but Respondent failed to participate in an
16 interview.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Dangerous Use of Alcohol)**

19 16. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
20 on the grounds of unprofessional conduct, in that on or about November 4, 2022, while employed
21 as a pharmacy technician at Olive View Medical Center, Respondent used alcoholic beverages to
22 an extent or in a manner that was dangerous or injurious to herself or the public or to the extent
23 that the use impairs her ability to conduct with safety to the public the practice authorized by her
24 license. Complainant refers to, and by this reference incorporates, the allegations contained in
25 paragraphs 11-15, as though set forth fully herein.

26 ///

27 ///

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct)**

3 17. Respondent is subject to disciplinary action under Code section 4301, in that
4 Respondent committed acts constituting unprofessional conduct. Complainant refers to, and by
5 this reference incorporates, the allegations contained in paragraphs 11-15, as though set forth
6 fully herein.

7 **OTHER MATTERS**

8 18. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
9 Registration Number TCH 99451 issued to Respondent Veronique Mary Ashby, Respondent shall
10 be prohibited from serving as a manager, administrator, owner, member, officer, director,
11 associate, or partner of a licensee for five years if the Pharmacy Technician Registration is placed
12 on probation or until the Pharmacy Technician Registration is reinstated if it is revoked.

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

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 99451, issued to Veronique Mary Ashby;

2. Ordering Veronique Mary Ashby 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. Prohibiting Veronique Mary Ashby from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician Registration Number TCH 99451 is placed on probation or until Pharmacy Technician Registration Number TCH 99451 is reinstated, if Pharmacy Technician Registration Number TCH 99451 is revoked; and

4. Taking such other and further action as deemed necessary and proper.

DATED: 5/30/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.05.30 20:16:24
-07'00'

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

LA2023601226
65904888.docx