

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 **CHAD CURTIS BENNETT**  
14 **24271 Via San Clemente**  
**Mission Viejo, CA 92692**

15 **Pharmacy Technician License No. TCH**  
16 **52173**

17 Respondent.

Case No. 7516

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On or about August 4, 2023, Complainant Anne Sodergren, in her official capacity as  
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed  
21 Accusation No. 7516 against Chad Curtis Bennett (Respondent) before the Board. (Accusation  
22 attached as Exhibit A.)

23 2. On or about October 30, 2003, the Board issued Pharmacy Technician License No.  
24 TCH 52173 to Respondent. The Pharmacy Technician License was in full force and effect at all  
25 times relevant to the charges brought in Accusation No. 7516 and expired on June 30, 2023, and  
26 has not been renewed.

1           3.     This lapse in licensure, however, pursuant to Business and Professions Code (Code)  
2 section 118, subdivision (b) and section 4300.1, does not deprive the Board of its authority to  
3 institute or continue this disciplinary proceeding.

4           4.     On or about August 25, 2023, Respondent was served by Certified and First Class  
5 Mail copies of the Accusation No. 7516, Statement to Respondent, Notice of Defense, Request  
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
9 record was and is: 24271 Via San Clemente, Mission Viejo, CA 92692.

10          5.     Service of the Accusation was effective as a matter of law under the provisions of  
11 Government Code section 11505, subdivision (c) and/or Business and Professions Code section  
12 124.

13          6.     Government Code section 11506, subdivision (c) states, in pertinent part:

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

19          7.     The Board takes official notice of its records and the fact that Respondent failed to  
20 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
21 waived his right to a hearing on the merits of Accusation No. 7516.

22          8.     California Government Code section 11520, subdivision (a) states, in pertinent part:

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

27          9.     Pursuant to its authority under Government Code section 11520, the Board finds  
28 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,  
finds that the charges and allegations in Accusation No. 7516 are, separately and severally, found  
to be true and correct by clear and convincing evidence.

10. The Board finds that the actual costs for investigation (\$4,719.00) and enforcement (\$2,621.25 as of September 15, 2023) are \$7,340.25.

### **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Chad Curtis Bennett has subjected his Pharmacy Technician License No. TCH 52173 to discipline.

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

3. The Board is authorized to revoke Respondent's Pharmacy Technician License 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:

a. Respondent is subject to disciplinary action under Code section 4059, subdivision (a) in that he furnished dangerous drugs to himself when he diverted oxycodone, dextro-amphetamine, and methadone on 48 occasions between March 1, 2021 and April 7, 2022.

b. Respondent is subject to disciplinary action under Code section 4301, subdivisions (o) in conjunction with Health and Safety Code section 11170 in that he furnished controlled substances to himself when he diverted oxycodone, dextro-amphetamine, and methadone on 48 occasions between March 1, 2021 and April 7, 2022.

c. Respondent is subject to disciplinary action under Code section 4301, subdivisions (f) and (g) in that Respondent committed acts of unprofessional conduct when he documented that two transactions dispensing oxycodone and dextro-amphetamine to Villa Park Pharmacy occurred on February 23, 2022 and March 2, 2022, when no such transactions took place.

d. Respondent is subject to disciplinary action under Code section 4301, subdivision (q) in that Respondent failed to cooperate in the Board's investigation.

e. Respondent is subject to disciplinary action under Code section 4301 in that Respondent committed acts of unprofessional conduct.

///

///

///

///

**ORDER**

IT IS SO ORDERED that Pharmacy Technician License No. TCH 52173, issued to Respondent Chad Curtis Bennett, is revoked.

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

This Decision shall become effective at 5:00 p.m. on December 6, 2023.

It is so ORDERED on November 6, 2023.



---

Seung W. Oh, Pharm.D.  
Board President  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

84177320.DOCX  
DOJ Matter ID:SD2023801066

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(CHAD CURTIS BENNETT)

1 ROB BONTA  
Attorney General of California  
2 MARICHELLE S. TAHIMIC  
Supervising Deputy Attorney General  
3 DIANE VON DER AHE  
Deputy Attorney General  
4 State Bar No. 294767  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9463  
7 Facsimile: (619) 645-2012  
E-mail: Diane.VonDerAhe@doj.ca.gov  
8 *Attorneys for Complainant*

9  
10 **BEFORE THE**  
11 **BOARD OF PHARMACY**  
12 **DEPARTMENT OF CONSUMER AFFAIRS**  
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 7516

15 **CHAD CURTIS BENNETT**  
16 **24271 Via San Clemente**  
**Mission Viejo, CA 92692**

**ACCUSATION**

17 **Pharmacy Technician License No. TCH**  
18 **52173**

Respondent.

19  
20  
21  
22 **PARTIES**

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

25 2. On or about October 30, 2003, the Board of Pharmacy issued Pharmacy Technician  
26 License Number TCH 52173 to Chad Curtis Bennett (Respondent). The Pharmacy Technician  
27 License was in full force and effect at all times relevant to the charges brought herein. The  
28 Pharmacy Technician License expired on June 30, 2023, and has not been renewed.

## **JURISDICTION**

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

4. Code section 4011 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. Code section 4300, subdivision (a) provides that every license issued by the Board may be suspended or revoked.

6. Code section 4300.1 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 4301 of the Code states:

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 shall include, but is not limited to, any of the following:

...

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

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

...

(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.

(p) Actions or conduct that would have warranted denial of a license.

(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board.

...

8. Section 4059 of the Code states, in pertinent part, that 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.

9. Section 11170 of the Health and Safety code states: no person shall prescribe, administer or furnish a controlled substance for himself.

### **REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1770, states:

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that may be performed under the license type sought or held.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.



(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.

...

### **COST RECOVERY**

11. Section 125.3 of the Code provides, 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. A board is not precluded from including the costs of investigation and enforcement in any stipulated settlement.

### **DEFINITIONS**

12. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M), and a dangerous drug pursuant to Business and Professions Code section 4022. OxyContin is a brand name for Oxycodone and is used to treat pain.

13. Dextro-amphetamine is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (d)(1), and a dangerous drug pursuant to Business and Professions Code section 4022. Adderall or Adderall IR are brand names for dextro-amphetamine, a stimulant.

14. Methadone is a Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivision (c)(14), and a dangerous drug pursuant to Business and Professions Code section 4022. Dolophene is a brand name for methadone and is used to treat pain.

### **FACTUAL ALLEGATIONS**

15. In April, 2022, Respondent was working as a pharmacy technician for Zane Pharmacy (previously called Rite Price Pharmacy) in Lake Forest, California, where he had been employed for approximately twenty years. The pharmacy was purchased by new owner A.E. in May of 2020, and Respondent stayed as both Operations Manager and a pharmacy technician during and after the transition in ownership.

///

1           16. After purchasing the pharmacy, A.E. changed the computer software from Rx30 to  
2 Pioneer software, and only A.E. and Respondent learned to use the extended features of the  
3 software beyond entering a prescription or printing a label. On April 13, 2022, A.E. noticed a  
4 modification of an inventory balance that caught his attention, and he asked Respondent to run  
5 some reports to help him investigate it. Respondent then asked if he could leave early to visit  
6 family for a few days, failed to show up for his next scheduled shift, and never returned to work  
7 at Zane Pharmacy.

8           17. A.E. continued to investigate and notified the Board of discrepancies in drug counts.  
9 A.E. provided the Board with an Amended DEA 106 Report of Theft or Loss of Controlled  
10 Substances indicating the following losses from Zane Pharmacy: 104 oxycodone 5 mg tablets,  
11 434 oxycodone 15mg tablets, 1667 oxycodone 30mg tablets, 740 dextro-amphetamine 20mg  
12 tablets, 1116 dextro-amphetamine 30mg tablets, and 1560 methadone 10mg tablets.

13           18. A.E. identified 48 adjustments or manual changes in the computer between March 1,  
14 2021 and April 6, 2022 that were suspected to be diversion. Only two of these were done using  
15 Respondent's log-in credentials. However, A.E. asserted that it would not have been difficult for  
16 Respondent to make adjustments when someone else was logged in to the computer, as they had  
17 seven computer stations, and once someone was logged in, they remained logged in even if they  
18 walked away from the computer. Respondent was the only staff member who was working every  
19 single day that a suspected diversion occurred, knew how to use the software program, and, aside  
20 from A.E., had access to the schedule II drugs in the safe. When asked to assist in the  
21 investigation, Respondent left work early and never returned.

22           19. The two diversions associated with Respondent's credentials were documented as  
23 sales of 100 dextro-amphetamine 30mg and 100 oxycodone 15mg to another pharmacy called  
24 Villa Park Pharmacy on February 23, 2022 and March 2, 2022, respectively, but Villa Park  
25 Pharmacy denied making those purchases. Villa Park Pharmacy acknowledged purchasing  
26 hydrocodone from Zane Pharmacy on January 10, 2022. This purchase was processed by  
27 Respondent using DEA Form 222, serial number 2120620250. Respondent then used that serial  
28

number<sup>1</sup> to falsify the February 23, 2022 and March 2, 2022 sales to Villa Park Pharmacy, which did not actually occur.

20. Efforts by the Board and the Orange County Sheriff's Department to contact Respondent via mail, email, telephone and in person have been unsuccessful.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Furnishing Dangerous Drugs Without Prescription)**

21. Respondent is subject to disciplinary action under Code section 4059, subdivision (a) in that he furnished dangerous drugs to himself when he diverted oxycodone, dextro-amphetamine, and methadone on 48 occasions between March 1, 2021 and April 7, 2022, as more fully set forth in paragraphs 16 through 21, above.

### **SECOND CAUSE FOR DISCIPLINE**

#### **(Furnishing Controlled Substance to Self)**

22. Respondent is subject to disciplinary action under Health and Safety Code section 11170 in that he furnished controlled substances to himself when he diverted oxycodone, dextro-amphetamine, and methadone on 48 occasions between March 1, 2021 and April 7, 2022, as more fully set forth in paragraphs 16 through 21, above.

### **THIRD CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct – Documented False Transactions)**

23. Respondent is subject to disciplinary action under Code section 4301, subdivisions (f) and (g) in that Respondent committed acts of unprofessional conduct when he documented that two transactions selling oxycodone and dextro-amphetamine to Villa Park Pharmacy occurred on February 23, 2022 and March 2, 2022, when no such transactions took place. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 16 through 21, above.

///

///

---

<sup>1</sup> DEA 222 serial numbers are unique to each transaction and can only be used once. Transactions that occurred on February 23, 2022 and March 2, 2022, had they actually occurred, could not have had serial number 2120620250, as it had already been used on January 10, 2022.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Subvert Board’s Investigation)**

3 24. Respondent is subject to disciplinary action under Code section 4301, subdivision (q)  
4 in that Respondent failed to cooperate in the Board’s investigation. Complainant refers to, and by  
5 this reference incorporates, the allegations set forth above in paragraphs 16 through 21, above.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 25. Respondent is subject to disciplinary action under Code section 4301 in that  
9 Respondent committed acts of unprofessional conduct. Complainant refers to, and by this  
10 reference incorporates, the allegations set forth above in paragraphs 16 through 21, above.

11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacy Technician License Number TCH 52173, issued  
15 to Chad Curtis Bennett;
- 16 2. Ordering Chad Curtis Bennett to pay the Board of Pharmacy the reasonable costs of  
17 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
18 125.3; and,
- 19 3. Taking such other and further action as deemed necessary and proper.

20  
21 DATED: 8/4/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.08.04 13:30:41 -07'00'

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

22  
23  
24  
25  
26 SD2023801066  
27 84039491.docx  
28