

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

In the Matter of the Accusation Against:

**SHELBI MARIE BAUMGARDNER,
Pharmacy Technician License No. TCH 184382;**

**CHRISTOPHER OWEN TOWNSEND,
Pharmacy Technician License No. TCH 185360;**

and

**ALONA DAWN SINES,
Pharmacy Technician License No. TCH 185266,**

Respondents.

Agency Case No. 7523

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 6, 2024.

It is so ORDERED on October 7, 2024.

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 visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
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7

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

11 In the Matter of the Accusation Against:

Case No. 7523

12 **SHELBI MARIE BAUMGARDNER**
13 **934 Summer St.**
14 **Eureka, CA 95501**

15 **Pharmacy Technician Registration No. TCH**
16 **184382**

Respondent.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

**[RESPONDENT BAUMGARDNER
ONLY]**

17
18
19 In the interest of a prompt and speedy settlement of this matter, consistent with the public
20 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
21 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will
22 be submitted to the Board for approval and adoption as the final disposition of the Accusation
23 solely with respect to Shelbi Marie Baumgardner. It does not apply to Alona Dawn Sines or
24 Christopher Owen Townsend.

25 **PARTIES**

26 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
27 (Board). She brought this action solely in her official capacity and is represented in this matter by
28

1 Rob Bonta, Attorney General of the State of California, by Christopher M. Young, Deputy
2 Attorney General.

3 2. Shelbi Marie Baumgardner (Respondent) is representing herself in this proceeding
4 and has chosen not to exercise her right to be represented by counsel.

5 3. On or about September 28, 2021, the Board issued Pharmacy Technician Registration
6 No. TCH 184382 to Respondent. The Pharmacy Technician Registration expired on April 30,
7 2023, and has not been renewed.

8 **JURISDICTION**

9 4. Accusation No. 7523 was filed before the Board, and is currently pending against
10 Respondent. The Accusation and all other statutorily required documents were properly served
11 on Respondent on September 18, 2023. Respondent timely filed her Notice of Defense contesting
12 the Accusation. A copy of Accusation No. 7523 is attached as Exhibit A and incorporated by
13 reference.

14 **ADVISEMENT AND WAIVERS**

15 5. Respondent has carefully read, and understands the charges and allegations in
16 Accusation No. 7523. Respondent also has carefully read, and understands the effects of this
17 Stipulated Surrender of License and Order.

18 6. Respondent is fully aware of her legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
20 her own expense; the right to confront and cross-examine the witnesses against her; the right to
21 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
22 compel the attendance of witnesses and the production of documents; the right to reconsideration
23 and court review of an adverse decision; and all other rights accorded by the California
24 Administrative Procedure Act and other applicable laws.

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

27 ///

28 ///

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7523, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
4 Registration No. TCH 184382 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Pharmacy Technician Registration without further
7 process.

8 **CONTINGENCY**

9 10. This stipulation shall be subject to approval by the Board. Respondent understands
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly
11 with the Board regarding this stipulation and surrender, without notice to or participation by
12 Respondent. By signing the stipulation, Respondent understands and agrees that she may not
13 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
14 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
15 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
17 be disqualified from further action by having considered this matter.

18 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
20 thereto, shall have the same force and effect as the originals.

21 12. This Stipulated Surrender of License and Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
25 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
26 executed by an authorized representative of each of the parties.

27 13. In consideration of the foregoing admissions and stipulations, the parties agree that
28 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 184382, issued to Respondent Shelbi Marie Baumgardner, 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 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, her wall certificate on or before the effective date of the Decision and Order.

4. If she 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. 7523 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$3,816.17 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. 7523 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

1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: _____
5 SHELBI MARIE BAUMGARDNER
6 Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

10 DATED: _____ Respectfully submitted,
11 ROB BONTA
12 Attorney General of California
13 JOSHUA A. ROOM
14 Supervising Deputy Attorney General

15 CHRISTOPHER M. YOUNG
16 Deputy Attorney General
17 Attorneys for Complainant

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1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: 8/15/2024



5 SHELBI MARIE BAUMGARDNER
6 Respondent

7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

10 DATED: _____

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 JOSHUA A. ROOM
14 Supervising Deputy Attorney General

15 CHRISTOPHER M. YOUNG
16 Deputy Attorney General
17 Attorneys for Complainant

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1 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
2 be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: _____

SHELBI MARIE BAUMGARDNER
Respondent

6
7 **ENDORSEMENT**

8 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
9 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

10 DATED: August 23, 2024

Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 JOSHUA A. ROOM
Supervising Deputy Attorney General

14 *Christopher M. Young*
15 CHRISTOPHER M. YOUNG
16 Deputy Attorney General
17 *Attorneys for Complainant*

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Exhibit A

Accusation No. 7523

1 ROB BONTA
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2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CHRISTOPHER M. YOUNG
Deputy Attorney General
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 7523

13 **SHELBI MARIE BAUMGARDNER**
934 Summer St.
14 Eureka, CA 95501

ACCUSATION

15 **Pharmacy Technician No. TCH 184382,**

16 **CHRISTOPHER OWEN TOWNSEND**
1033 B St. #D
17 Eureka, CA 95501

18 **Pharmacy Technician No. TCH 185360,**

19 **ALONA DAWN SINES**
PO Box 78
20 Fields Landing, CA 95537

21 **Pharmacy Technician No. TCH 185266,**

22 Respondents.

23 **PARTIES**

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

27 2. On or about September 28, 2021, the Board issued Pharmacy Technician Registration
28 Number TCH 184382 to Shelbi Marie Baumgardner (Respondent Baumgardner). The Pharmacy

1 Technician Registration was in full force and effect at all times relevant to the charges brought
2 herein and expired on April 30, 2023.

3 3. On or about November 30, 2021, the Board of Pharmacy issued Pharmacy Technician
4 Registration Number TCH 185360 to Christopher Owen Townsend (Respondent Townsend).
5 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
6 charges brought herein and will expire on August 31, 2023, unless renewed.

7 4. On or about October 28, 2021, the Board of Pharmacy issued Pharmacy Technician
8 Registration Number TCH 185266 to Alona Dawn Sines (Respondent Sines). The Pharmacy
9 Technician Registration was canceled on February 28, 2023, and has not been renewed.

10 **JURISDICTION**

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

14 6. Code section 4011 provides that the Board shall administer and enforce the Pharmacy
15 Law [Bus. & Prof. Code, § 4000 et seq.]. Further pursuant to Code section 4011, the Board also
16 administers and enforces the Uniform Controlled Substances Act.

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

19 8. Code section 4300.1 provides that the expiration, cancellation, forfeiture, suspension,
20 or voluntary surrender of a license “shall not deprive the board of jurisdiction to commence or
21 proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to
22 render a decision suspending or revoking the license.”

23 9. Code section 4307 states:

24 (a) Any person who has been denied a license or whose license has been
25 revoked or is under suspension, or who has failed to renew his or her license while it
26 was under suspension, or who has been a manager, administrator, owner, member,
27 officer, director, associate, partner, or any other person with management or control
28 of any partnership, corporation, trust, firm, or association whose application for a
license has been denied or revoked, is under suspension or has been placed on
probation, and while acting as the manager, administrator, owner, member, officer,
director, associate, partner, or any other person with management or control had
knowledge of or knowingly participated in any conduct for which the license was

denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

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

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

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

STATUTORY PROVISIONS

10. Code section 4202 states, in pertinent part:

(a) The board may issue a pharmacy technician license to an individual if the applicant is a high school graduate or possesses a general educational development certificate equivalent, and meets any one of the following requirements:

...

(2) Has completed a course of training specified by the board.

...

11. Code section 4301 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:

(a) Procurement of a license by fraud or misrepresentation.

...

(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.

...

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1793.6, provides:

A course of training that meets the requirements of Business and Professions Code section 4202(a)(2) is:

(a) Any pharmacy technician training program accredited by the American Society of Health-System Pharmacists,

(b) Any pharmacy technician training program provided by a branch of the federal armed services for which the applicant possesses a certificate of completion, or

(c)

(1) Any other course that provides a training period of at least 240 hours of instruction covering at least the following:

(A) Knowledge and understanding of different pharmacy practice settings.

(B) Knowledge and understanding of the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy.

(C) Knowledge and ability to identify and employ pharmaceutical and medical terms, abbreviations and symbols commonly used in prescribing, dispensing and record keeping of medications.

(D) Knowledge of and the ability to carry out calculations required for common dosage determination, employing both the metric and apothecary systems.

(E) Knowledge and understanding of the identification of drugs, drug dosages, routes of administration, dosage forms and storage requirements.

(F) Knowledge of and ability to perform the manipulative and record-keeping functions involved in and related to dispensing prescriptions.

(G) Knowledge of and ability to perform procedures and techniques relating to manufacturing, packaging, and labeling of drug products.

(2) In addition to the content of coursework specified in subdivision (c)(1), the course of training must also satisfy all of the following:

(A) Prior to enrollment in any classes or admission into the course of training, an administrator or instructor shall inform applicants of the criminal background check required for a pharmacy technician license per Business and

1 Professions Code section 4202(c). An administrator or instructor shall counsel
2 applicants about the negative impact to securing licensure if the criminal
background check reveals that the applicant has committed acts that would
constitute grounds for denial of licensure.

3 (B) Prior to enrollment in any classes or admission into the course of
4 training, an administrator or instructor shall inform applicants that the course of
5 training includes practical training at a pharmacy which may require the applicant to
undergo drug screening for illicit drug use. The administrator or instructor shall
6 counsel applicants about the negative impact of a positive drug screen, including
eligibility to continue the course of training and eligibility for licensure.

7 (C) Require students to be at least 18 years of age prior to enrolling in any
8 course work involving practical training, such as an externship or any other training
equivalent to pharmacy technician trainee placement as defined by Business and
Professions Code section 4038, 4115, 4115, and 4115.5.

9 (D) Require a final examination that demonstrates students' understanding
10 and ability to perform or apply each subject area identified in subdivision (1) above.

11 **COST RECOVERY**

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

16 **FACTUAL ALLEGATIONS**

17 14. Respondents Baumgardner, Townsend, and Sines worked at a Walgreens Pharmacy
18 (#05863) in Eureka, California. Respondents applied for and were licensed as pharmacy
19 technicians by the Board following their attestations that they had completed 240 hours training
20 and coursework.

21 15. Walgreens is accredited by the American Society of Health-System Pharmacists
22 (ASHP) to operate a training program allowing trainees to apply for licenses with the Board as
23 pharmacy technicians. Walgreens maintains the ASHP Pharmacy Technician Training Program,
24 during which trainees complete the ASHP Pharmacy Technician Training Activity Workbook.
25 ASHP approved training requires a total of 120 didactic training hours. Qualified training
26 programs must cover the specific criteria for training covered in California Code of Regulations,
27 title 16, section 1793.6, subdivision (c).
28

16. Respondents Baumgardner, Townsend, and Sines did not complete ASHP training with Walgreens and did not provide ASHP Workbooks to the Inspector when requested. Instead, all three worked in the pharmacy, and after working 240+ hours, their pharmacist-in-charge represented to the Board that all had completed a 240-hour training course to qualify for licensure as pharmacy technicians under California Code of Regulations, title 16, section 1793.6, subdivision (c).

17. The training records provided by Walgreens show that Respondent Townsend completed 20 hours of ASHP virtual training in 2018, and Respondent Sines completed 12 hours of ASHP virtual training in 2016. No didactic training records were provided for Respondent Baumgardner. None of the Respondents completed the required 120 total hours of didactic training.

CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

18. Respondents Baumgardner, Townsend, and Sines are subject to disciplinary action under Code section 4301, subdivisions (a), (j), and/or (o), and/or California Code of Regulations, title 16, section 1793.6, subdivision (c), in that Respondents did not meet the training requirements to obtain licensure as pharmacy technicians, as stated above in paragraphs 14-17 and incorporated herein 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 184382,
issued to Shelbi Marie Baumgardner;

2. Revoking or suspending Pharmacy Technician Registration Number TCH 185360,
issued to Christopher Owen Townsend;

3. Revoking or suspending Pharmacy Technician Registration Number TCH 185266,
issued to Alona Dawn Sines;

1 4. Ordering Shelbi Marie Baumgardner, Christopher Owen Townsend, and Alona Dawn
2 Sines to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of
3 this case, pursuant to Business and Professions Code section 125.3; and,

4 5. Taking such other and further action as deemed necessary and proper.
5

6
7 DATED: 9/7/2023
8

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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