

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

In the Matter of the Accusation Against:

TRINA HOLLINGSHEAD COLBY aka TRINA L. CARROLL, Respondent.

Pharmacy Technician Registration No. TCH 25317

Agency Case No. 7574

OAH No. 2023100780

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 July 11, 2024.

It is so ORDERED on June 11, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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

13 In the Matter of the Accusation Against:
14 **TRINA HOLLINGSHEAD COLBY**
15 **aka TRINA L. CARROLL**
16 **6385 N. Poplar**
Fresno, CA 93704
17 **Pharmacy Technician Registration No. TCH**
25317
18 Respondent.
19

Case No. 7574
OAH No. 2023100780
**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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 Phillip L. Arthur, Deputy Attorney
26 General.

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1 **CULPABILITY**

2 9. Respondent admits that at hearing Complainant could establish a factual basis for the
3 charges and allegations in Accusation No. 7574, and that those charges and allegations are cause
4 for discipline. Respondent gives up her right to contest those charges and allegations.

5 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
6 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary
7 Order below.

8 **RESERVATION**

9 11. The admissions made by Respondent herein are only for the purposes of this
10 proceeding, or any other proceedings in which the Board or other professional licensing agency is
11 involved, and shall not be admissible in any other criminal or civil proceeding.

12 **CONTINGENCY**

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

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

25 14. This Stipulated Surrender of License and Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that
4 the Board may, without further notice or formal proceeding, issue and enter the following
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 25317 issued
8 to Respondent Trina Hollingshead Colby, also known as Trina L. Carroll, is surrendered and
9 accepted by the Board of Pharmacy.

10 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
11 of the surrendered license by the Board shall constitute the imposition of discipline against
12 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
13 Respondent's license history with the Board of Pharmacy.

14 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
15 as of the effective date of the Board's Decision and Order.

16 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
17 issued, her wall certificate on or before the effective date of the Decision and Order.

18 4. Respondent understands and agrees that if she ever files an application for licensure
19 or a petition for reinstatement in the State of California, the Board shall treat it as a new
20 application for licensure. Respondent may not apply for any license, permit, or registration from
21 the Board for three (3) years from the effective date of this Decision. Respondent stipulates that
22 should she apply for any license from the Board on or after the effective date of this Decision, all
23 allegations set forth in the Accusation shall be deemed to be true, correct, and admitted by
24 Respondent when the Board determines whether to grant or deny the application. Respondent
25 shall satisfy all requirements applicable to that license as of the date the application is submitted
26 to the Board, including, but not limited to, taking and passing the California Pharmacy Technician
27 Examination prior to the issuance of a new license. Respondent is required to report this
28 surrender as disciplinary action.

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: April 2, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

Phillip Arthur

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7574

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13 In the Matter of the Accusation Against:

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15 **aka TRINA L. CARROLL**
16 **6385 N. Poplar**
17 **Fresno, CA 93704**

ACCUSATION

18 **Pharmacy Technician Registration No. TCH**
19 **25317**

Respondent.

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 (Board).

23 2. On or about March 17, 1998, the Board issued Pharmacy Technician Registration
24 Number TCH 25317 to Trina Hollingshead Colby, also known as Trina L. Carroll (Respondent).
25 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
26 charges brought herein and will expire on September 30, 2025, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a), of the Code states, “[e]very license issued may be
6 suspended or revoked.”

7 5. Section 4300.1 of the Code states, “[t]he expiration, cancellation, forfeiture, or
8 suspension of a board-issued license by operation of law or by order or decision of the board or a
9 court of law, the placement of a license on a retired status, or the voluntary surrender of a license
10 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
11 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
12 suspending or revoking the license.”

13 6. Section 4307 of the Code states in pertinent part:

14 (a) Any person who has been denied a license or whose license has been revoked or is
15 under suspension, or who has failed to renew his or her license while it was under
16 suspension ... shall be prohibited from serving as a manager, administrator, owner,
17 member, officer, director, associate, partner, or in any other position with management or
18 control of a licensee as follows:

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

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

23 **STATUTORY PROVISIONS**

24 7. Section 490, subdivision (a), of the Code provides, in pertinent part, that a board may
25 suspend or revoke a license on the ground that the licensee has been convicted of a crime
26 substantially related to the qualifications, functions, or duties of the business or profession for
27 which the license was issued.

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1 8. Section 4301 of the Code states, in pertinent part:

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

4 . . .

5 (k) The conviction of more than one misdemeanor or any felony involving the
6 use, consumption, or self-administration of any dangerous drug or alcoholic
beverage, or any combination of those substances.

7 (l) The conviction of a crime substantially related to the qualifications,
8 functions, and duties of a licensee under this chapter. The record of conviction of a violation of
9 Chapter 13 (commencing with Section 801) of Title 21 of the United
10 States Code regulating controlled substances or of a violation of the statutes of this
11 state regulating controlled substances or dangerous drugs shall be conclusive
12 evidence of unprofessional conduct. In all other cases, the record of conviction shall
13 be conclusive evidence only of the fact that the conviction occurred. The board may inquire into
14 the circumstances surrounding the commission of the crime, in order to
15 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
16 dangerous drugs, to determine if the conviction is of an offense substantially related to the
qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of conviction has
been affirmed on appeal or when an order granting probation is made suspending the imposition
of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to
enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment. . . .

17 **COST RECOVERY**

18 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement
21 of the case.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct - Conviction of Crimes Substantially Related to the Qualifications,
24 Functions, and Duties of Licensee)**

25 10. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
26 (l), of the Code in that Respondent has been convicted of crimes that are substantially related to
27 her qualifications, functions, and duties as a pharmacy technician. The circumstances are as
28 follows:

1 11. On or about March 10, 2023, in *People v. Trina Colby*, Superior Court of California,
2 County of Madera, case no. CCR070885, Respondent pled no contest to a misdemeanor charge of
3 violating Vehicle Code sections 23103 and 23103.5 (wet reckless driving). Respondent was
4 sentenced to one day in jail, placed on informal bench probation for one year, ordered to complete
5 80 hours of community service and a six-month wet reckless alcohol program, and ordered to pay
6 fines and fees. The facts and circumstances are as follows:

7 12. On or about November 28, 2020, an officer from the Madera Police Department was
8 dispatched to an address on W. Pecan Ave., in Madera, California, in response to a call advising
9 that the female driver of a vehicle parked on the side of the road with damaged tires was believed
10 to be intoxicated. When the officer arrived at the scene, he discovered Respondent to be the
11 driver of the vehicle, which had front and left tires damaged. Respondent informed the officer
12 that 30 minutes before his arrival, she had attempted to make a left-hand turn and struck the
13 median. While speaking with Respondent, the officer immediately smelled a strong odor of
14 alcohol emitting from Respondent's breath. The officer observed that Respondent did not know
15 what street she was on, and had slow, slurred speech, red, bloodshot, and watery eyes, and an
16 unsteady gait. Respondent informed the officer that she had consumed alcoholic beverages
17 before driving. When the officer instructed Respondent to exit her vehicle, Respondent almost
18 fell to the ground. Respondent was unable to walk without assistance and continuously swayed
19 side to side. The officer had Respondent perform field sobriety tests, all of which Respondent
20 failed. The officer arrested Respondent and transported her to the Madera Police Department
21 where a blood draw was performed. Respondent's blood alcohol level was 0.245%.

22 13. On or about March 24, 2011, in *People v. Trina Lynette Carroll*, Superior Court of
23 California, County of Madera, case no. CCR032158, Respondent pled no contest to a
24 misdemeanor charge of violating Vehicle Code section 23103.5, subdivision (a) (wet reckless
25 driving). Respondent stipulated that her blood alcohol level was 0.14%. Respondent was
26 sentenced to three days in jail, placed on informal bench probation for three years, and ordered to
27 pay fines and fees.

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SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Conviction of More Than One Misdemeanor Involving the Use, Consumption, or Self-Administration of any Dangerous Drug or Alcoholic Beverage)

14. Respondent is subject to disciplinary action under section 4301, subdivision (k), of the Code, on the grounds of unprofessional conduct, in that Respondent has been convicted of more than one misdemeanor involving the use, consumption, or self-administration of alcoholic beverages. The facts and circumstances are described with more particularity in paragraphs 11-13, above.

OTHER MATTERS

15. Pursuant to Code section 4307, if discipline is imposed on Trina Hollingshead Colby, also known as Trina L. Carroll, then Trina Hollingshead Colby, also known as Trina L. Carroll, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1) a period not to exceed five (5) years if Pharmacy Technician Registration Number TCH 25317 is placed on probation; or, 2) if Pharmacy Technician Registration Number TCH 25317 is revoked, the prohibition shall continue until Pharmacy Technician Registration Number TCH 25317 is reinstated.

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1 **PRAYER**

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

4 1. Revoking or suspending Pharmacy Technician License Number TCH 25317, issued
5 to Trina Hollingshead Colby, also known as Trina L. Carroll;

6 2. Prohibiting Trina Hollingshead Colby, also known as Trina L. Carroll, from serving
7 as a manager, administrator, owner, member, officer, director, associate, partner, or in any other
8 position with management or control of any pharmacy licensee

9 3. Ordering Trina Hollingshead Colby, also known as Trina L. Carroll, to pay the Board
10 of Pharmacy the reasonable costs of investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 125.3; and,

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

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15 DATED: September 25, 2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.09.25 15:00:36
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16 ANNE SODERGREN
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California
21 *Complainant*

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