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

In the Matter of the Accusation Against:

Case No. 7693

**KEVIN CARTER JR.
1607 E. Tam O Shanter Street
Ontario, CA 91761**

DEFAULT DECISION AND ORDER

**Pharmacy Technician License No. TCH
62462**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 26, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7693 against Kevin Carter Jr. (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 30, 2005, the Board issued Pharmacy Technician License No. TCH 62462 to Respondent. The Pharmacy Technician License expired on March 31, 2023, and has not been renewed.

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1 3. On or about February 26, 2024, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7693, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is:

7 1607 E. Tam O Shanter Street
8 Ontario, CA 91761.

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 him of the Accusation, and therefore
19 waived his right to a hearing on the merits of Accusation No. 7693.

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. 7693, 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 \$2,702.50
as of April 17, 2024.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Kevin Carter Jr. has subjected
3 his Pharmacy Technician License No. TCH 62462 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 License based upon the following violations alleged in the Accusation which are supported by the
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Respondent is subject to disciplinary action under Code sections 490 and 4301,
9 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,
10 subdivision (c)(5), in that Respondent was convicted of a crime substantially related to the
11 qualifications, functions, and duties of a pharmacy technician.

12 b. Respondent is subject to disciplinary action under Code sections 726 and 4301,
13 subdivision (f), in that Respondent committed acts involving moral turpitude. The circumstances
14 surrounding the conviction are outlined in more particularity in the Accusation.

15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician License No. TCH 62462, issued to
17 Respondent Kevin Carter Jr. is revoked.

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

22 This Decision shall become effective at 5:00 p.m. on August 1, 2024.

23 It is so ORDERED on July 2, 2024.

24 BOARD OF PHARMACY
25 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

26 DOJ Matter ID:LA2023604653

27 Attachment:
28 Exhibit A: Accusation

By _____

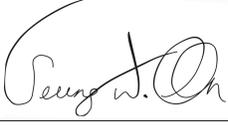

Seung W. Oh, Pharm. D.
Board President

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (916) 731-2126
E-mail: Thomas.Rinaldi@doj.ca.gov
7 *Attorneys for Complainant*

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

11
12 In the Matter of the Accusation Against:

Case No. 7693

13 **KEVIN CARTER, JR.**
14 **1607 E. Tam O Shanter Street**
Ontario, CA 91761

ACCUSATION

15 **Pharmacy Technician License No. TCH**
16 **62462**

17 Respondent.

18 **PARTIES**

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

21 2. On or about June 30, 2005, the Board issued Pharmacy Technician License Number
22 TCH 62462 to Kevin Carter, Jr. (Respondent). The Pharmacy Technician License expired on
23 March 31, 2023, and has not been renewed.

24 **JURISDICTION**

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

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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.

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or 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.

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

3 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
4 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.

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

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

9 (5) Involve a conviction for driving under the influence of drugs or alcohol.

10 **COST RECOVERY**

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

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct - Conviction of a Substantially Related Crime)**

17 12. Respondent is subject to disciplinary action under Code sections 490 and 4301,
18 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770,
19 subdivision (c)(5), in that Respondent was convicted of a crime substantially related to the
20 qualifications, functions, and duties of a pharmacy technician. Specifically, on or about March 22,
21 2023, after his plea of nolo contendere, Respondent was convicted of one (1) misdemeanor count
22 for violating Penal Code section 236 (false imprisonment) in the criminal proceeding titled: *The*
23 *People of the State of California v. Kevin Douglas Carter Jr.* (Super. Ct. Los Angeles County,
24 No. 2023, Case No. 3CJ07285). The court placed Respondent on probation for 12-months
25 according to the terms and conditions, including, but not limited to: complete 20-days community
26 labor, enroll in and successfully complete a one-year sex offender course, stay 100 yards from the
27 victim and stay 100 yards away from the scene of the crime. The circumstances surrounding the
28 conviction are that on or about June 11, 2022, while working as a pharmacy technician at Keck

1 Hospital of USC in Los Angeles, California, Respondent requested his co-worker (victim) to
2 assist him with retrieving medication from the pharmacy's locked storage room. Respondent
3 followed the victim into the storage room and he asked her to pick up a box on the floor. As the
4 victim bent down to pick up the box, Respondent came up behind her, grabbed her waist and
5 breast, and pressed his erect penis against her. Respondent restrained the victim, which caused her
6 fear that he was going to rape her. After the incident, Respondent contacted the victim to
7 apologize for his actions and he asked her to not report the incident to human resources because
8 his fiancé also worked at the location. The abuse continued when on July 19, 21, and 22, 2022,
9 Respondent sent the victim several sexually explicit texts.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct - Acts Involving Moral Turpitude)**

12 13. Respondent is subject to disciplinary action under Code sections 726 and 4301,
13 subdivision (f), in that Respondent committed acts involving moral turpitude. Complainant refers
14 to, and by this reference incorporates, the allegations set forth above in paragraph 11, as though
15 set forth fully.

16 **PRAYER**

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

19 1. Revoking Pharmacy Technician License Number TCH 62462, issued to Kevin Carter,
20 Jr.

21 2. Ordering Kevin Carter, Jr. to pay the Board of Pharmacy the reasonable costs of the
22 investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3; and,

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

DATED: 2/26/2024

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

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.02.26 20:22:02
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