

1
2
3
4
5 **BEFORE THE**
6 **BOARD OF PHARMACY**
7 **DEPARTMENT OF CONSUMER AFFAIRS**
8 **STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 7746

10 **DARNEL RASHAD FRAZIER**
11 **7951 Deer Creek Dr.**
12 **Sacramento, CA 95823**

DEFAULT DECISION AND ORDER

13 **Pharmacy Technician License No. TCH**
14 **144035**

[Gov. Code, §11520]

Respondent.

15
16 **FINDINGS OF FACT**

17 1. On or about April 26, 2024, Complainant Anne Sodergren, in her official capacity as
18 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed
19 Accusation No. 7746 against Darnel Rashad Frazier (Respondent) before the Board. (Accusation
20 attached as Exhibit A.)

21 2. On or about January 30, 2015, the Board issued Pharmacy Technician License No.
22 TCH 144035 to Respondent. The Pharmacy Technician License was in full force and effect at all
23 times relevant to the charges brought in Accusation No. 7746 and will expire on January 31,
24 2025, unless renewed.

25 3. On or about April 30, 2024, Respondent was served by Certified and First Class Mail
26 copies of the Accusation No. 7746, Statement to Respondent, Notice of Defense, Request for
27 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
28

Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is:

7951 Deer Creek Dr.

Sacramento, CA 95823.

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

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

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

6. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 7746.

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

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

8. Pursuant to its authority under Government Code section 11520, the Board finds 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. 7746, 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 \$2,243.75 as of August 8, 2024.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Darnel Rashad Frazier has subjected his Pharmacy Technician License No. TCH 144035 to discipline.

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

2 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
3 License based upon the following violations alleged in the Accusation which are supported by the
4 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

5 a. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),
6 and 4301, subdivision (l), on the grounds of unprofessional conduct, and Cal. Code Regs., title
7 16, section 1770, in that on or about January 19, 2023, in the case of *People v. Darnel Rashad*
8 *Frazier* (Superior Court, Sacramento County Case No. 22MI004949), Respondent was convicted
9 on his plea of nolo contendere of violation of Vehicle Code section 23152, subdivision (b)
10 (driving with a blood alcohol concentration (BAC) of .08% or more), a misdemeanor, with an
11 admission to Vehicle Code section 23578 (driving with a BAC of .15% or more), and violation of
12 Vehicle Code section 20002, subdivision (a) (driver of vehicle involved in accident and failed to
13 stop at scene of accident resulting in damage to property), a misdemeanor. Respondent
14 stipulated that his BAC was .16%. Respondent was placed on three years informal probation,
15 ordered to serve 12 days in jail or work release program, to complete a high blood alcohol 6-
16 month program, to pay fines and restitution, and comply with other terms and conditions.

17 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
18 on the grounds of unprofessional conduct, in that on or about February 3, 2022, Respondent used
19 alcoholic beverages to an extent or in a manner dangerous or injurious to himself and the public
20 when he drove a vehicle with a BAC of .16%. The circumstances are as follows: On or about
21 February 3, 2022, at approximately 11:30 a.m., officers with the Sacramento Police Department
22 responded to a report of a minor traffic collision involving two vehicles. Respondent was
23 identified as the driver of one the vehicles. He failed to exchange information with the other
24 driver and left the scene of the accident. Upon contact with Respondent, an officer observed that
25 Respondent exhibited objective signs of intoxication including bloodshot/watery eyes, an odor of
26 alcoholic beverage on his person, and slurred speech. Respondent completed field sobriety tests,
27 which demonstrated that Respondent was impaired. Respondent was arrested for driving under
28 the influence of alcohol.

c. Respondent is subject to disciplinary action under Code section (f), in that on or about February 3, 2022, Respondent engaged in acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, when he was the driver of a vehicle involved in accident and failed to stop at the scene of the accident that had resulted in damage to property (hit and run).

d. Respondent is subject to disciplinary action under Code section (g), in that on or about January 20, 2023, Respondent knowingly made or signed a certificate or other document that falsely represented the existence or nonexistence of a state of facts. Respondent submitted a license renewal application to the Board, signed under penalty of perjury, and failed to disclose his conviction.

ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 144035, issued to Respondent Darnel Rashad Frazier, is revoked.

IT IS ALSO ORDERED that pursuant to Code section 4307, Respondent Darnel Rashad Frazier shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years.

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 October 16, 2024.

It is so ORDERED on September 16, 2024.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D., Board President

38120801.DOCX
DOJ Matter ID:SA2024300483

Attachment: Exhibit A: Accusation

Exhibit A

Accusation Case No. 7746

(DARNEL RASHAD FRAZIER)

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 STEPHANIE ALAMO-LATIF
Deputy Attorney General
4 State Bar No. 283580
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-6112
Facsimile: (916) 327-8643
7 E-mail: Stephanie.AlamoLatif@doj.ca.gov
Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 7746

14 **DARNEL RASHAD FRAZIER**
15 **7951 Deer Creek Dr.**
Sacramento, CA 95823

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **144035**

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 (Board), Department of Consumer Affairs.

23 2. On or about January 30, 2015, the Board issued Pharmacy Technician License
24 Number TCH 144035 to Darnel Rashad Frazier (Respondent). The Pharmacy Technician License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 January 31, 2025, unless renewed.

27 \\\

28 \\\

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 4300 states, in pertinent part, that every license issued may be suspended or revoked.

5. 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/REGULATORY PROVISIONS

6. Code section 490 states, in pertinent part:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct. 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.

1 (h) The use alcoholic beverages to the extent or in a manner as to be dangerous or injurious
2 to oneself, or to any other person or to the public, or to the extent that the use impairs the ability
3 of the person to conduct with safety to the public the practice authorized by the license.

4 ...

5 (l) The conviction of a crime substantially related to the qualifications, functions, and duties
6 of a licensee under this chapter.

7 ...

8 8. California Code of Regulations (Cal. Code Regs.), title 16, section 1770 states:

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

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

18 (1) The nature and gravity of the offense;

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

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

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

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

26 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate,
27 any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States
28

1 Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to
2 controlled substances or dangerous drugs.

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

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

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

9 **COST RECOVERY**

10 9. Code section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
14 renewed or reinstated.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct- Conviction of Crime)**

17 10. Respondent is subject to disciplinary action under Code sections 490, subdivision (a),
18 and 4301, subdivision (l), on the grounds of unprofessional conduct, and Cal. Code Regs., title
19 16, section 1770, in that on or about January 19, 2023, in the case of *People v. Darnel Rashad*
20 *Frazier* (Superior Court, Sacramento County Case No. 22MI004949), Respondent was convicted
21 on his plea of nolo contendere of violation of Vehicle Code section 23152, subdivision (b)
22 (driving with a blood alcohol concentration (BAC) of .08% or more), a misdemeanor, with an
23 admission to Vehicle Code section 23578 (driving with a BAC of .15% or more), and violation of
24 Vehicle Code section 20002, subdivision (a) (driver of vehicle involved in accident and failed to
25 stop at scene of accident resulting in damage to property), a misdemeanor. Respondent
26 stipulated that his BAC was .16%. Respondent was placed on three years informal probation,
27 ordered to serve 12 days in jail or work release program, to complete a high blood alcohol 6-
28 month program, to pay fines and restitution, and comply with other terms and conditions. The

1 circumstances are as follows: On or about February 3, 2022, at approximately 11:30 a.m.,
2 officers with the Sacramento Police Department responded to a report of a minor traffic collision
3 involving two vehicles. Respondent was identified as the driver of one the vehicles. He failed to
4 exchange information with the other driver and left the scene of the accident. Upon contact with
5 Respondent, an officer observed that Respondent exhibited objective signs of intoxication
6 including bloodshot/watery eyes, an odor of alcoholic beverage on his person, and slurred speech.
7 Respondent completed field sobriety tests, which demonstrated that Respondent was impaired.
8 Respondent submitted to breath tests, which revealed results of .178% and .165% BAC.
9 Respondent was arrested for driving under the influence of alcohol.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct- Dangerous Use of Alcohol)**

12 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
13 on the grounds of unprofessional conduct, in that on or about February 3, 2022, Respondent used
14 alcoholic beverages to an extent or in a manner dangerous or injurious to himself and the public
15 when he drove a vehicle with a BAC of .16%. The facts and circumstances are more fully set
16 forth above in paragraph 10.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct- Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or** 19 **Corruption)**

20 12. Respondent is subject to disciplinary action under Code section (f), in that on or about
21 February 3, 2022, Respondent engaged in acts involving moral turpitude, dishonesty, fraud,
22 deceit, or corruption, when he was the driver of a vehicle involved in accident and failed to stop
23 at the scene of the accident that had resulted in damage to property (hit and run). The facts and
24 circumstances are more fully set forth above in paragraph 10.

25 \\\

26 \\\

27 \\\

28 \\\

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct- Knowingly Making or Signing Certificate or Document that**
3 **Falsely Represents the Existence or Nonexistence of Facts)**

4 13. Respondent is subject to disciplinary action under Code section (g), in that on or
5 about January 20, 2023, Respondent knowingly made or signed a certificate or other document
6 that falsely represented the existence or nonexistence of a state of facts. Respondent submitted a
7 license renewal application to the Board, signed under penalty of perjury, and failed to disclose
8 his conviction as set forth more fully above in paragraph 10.

9 **OTHER MATTERS**

10 14. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
11 License Number TCH 144035, issued to Darnel Rashad Frazier, Darnel Rashad Frazier shall be
12 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
13 or partner of a licensee for five years if Pharmacy Technician License Number TCH 144035, is
14 placed on probation or until said permits are reinstated if revoked.

15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Technician License Number 144035, issued to
19 Darnel Rashad Frazier;

20 2. Ordering Darnel Rashad Frazier to pay the Board of Pharmacy the reasonable costs of
21 the investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3; and, if placed on probation, the costs of probation monitoring;

23 3. Prohibiting Darnel Rashad Frazier from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
25 License Number 144035 is placed on probation or until the license is reinstated, if it is revoked;
26 and,

27 \\\

28 \\\

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 4/26/2024

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: 2024.04.26
17:38:41 -07'00'

SA2024300483
37992546.docx