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

In the Matter of the Accusation Against:

JAYME SUE PAULINE
552 A Street
Yuba City, CA 95991

Pharmacy Technician License No. TCH 175358

Respondent.

Case No. 7758

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 10, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7758 against Jayme Sue Pauline (Respondent) before the Board of Pharmacy (Board). (Accusation attached as Exhibit A.)

2. On or about November 27, 2019, the Board issued Pharmacy Technician License No. TCH 175358 to Respondent. The Pharmacy Technician License expired on May 31, 2023, and has not been renewed.

3. On or about June 14, 2024, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7758, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at 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: 552 A Street, Yuba City, CA 95991.

1 (Code) section 4301, subdivisions (f) and (j), in that Respondent committed acts involving moral
2 turpitude, dishonesty, fraud, deceit or corruption, and violated statutes regulating controlled
3 substances, as follows:

4 (i) On or about April 6, 2023, Respondent was arrested for violations of: (1) Penal
5 Code section 530.5(e) (mail theft, a misdemeanor); (2) Health & Safety
6 Code section 11377(a) (possession of a controlled substance, a
7 misdemeanor); and, (3) Penal Code section 21710 (possession of
8 composite/wood knuckles, a misdemeanor). During the resulting Butte
9 County Superior Court criminal prosecution, addressed below in section b, on
10 June 21, 2023, the court entered an order prohibiting Respondent's conduct as
11 a pharmacy technician as a condition of her release on her own recognizance
12 or bail, and/or criminal probation, pursuant to Penal Code section 23.

13 (ii) On or about July 12, 2023, Respondent was arrested for violations of: (1)
14 Health and Safety Code section 115500(a) (being under the influence of a
15 controlled substance, a misdemeanor); (2) Penal Code section 530.5(a)
16 (identity theft, a misdemeanor); (3) Penal Code section 466 (possession of
17 burglary tools, a misdemeanor); and, (4) Health & Safety Code section
18 11364(a) (possession of drug paraphernalia, a misdemeanor).

19 (iii) On or about October 7, 2023, a warrant was issued for Respondent for
20 violations of: (1) Penal Code section 10851(a) (taking a vehicle without
21 owner's Consent/vehicle theft, a felony); (2) Penal Code section 182(a)
22 (criminal conspiracy, a felony); (3) Penal Code section 487(a) (grand theft -
23 value exceeding \$950.00, a felony); and, (4) Penal Code section 496(a)
24 (receiving stolen property, a misdemeanor).

25 (iv) On October 12, 2023, a law enforcement officer conducted an enforcement
26 stop on a vehicle having obscured tags and being driven by Respondent. The
27 officer conducted a warrant check and arrested Respondent on her active
28 felony warrant.

Exhibit A

Accusation

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Attorneys for Complainant
8

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

13
14
15 In the Matter of the Accusation Against:

Case No. 7758

16 **JAYME SUE PAULINE**
552 A Street
17 Yuba City, CA 95991

ACCUSATION

18 **Pharmacy Technician License No. TCH 175358**

19 Respondent.
20

21 **PARTIES**

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

25 2. On or about November 27, 2019, the Board issued Pharmacy Technician License
26 Number TCH 175358 to Jayme Sue Pauline (“Respondent”). The Pharmacy Technician License
27 expired on May 31, 2023, and has not been renewed.

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JURISDICTION

1
2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All Code references are to the Business and Professions Code (“Code”) unless otherwise
4 stated.

5 4. Code section 4011 provides that the Board shall administer and enforce both the
6 Pharmacy Law [Code section 4000 et seq.] and the Uniform Controlled Substances Act [Health
7 and Safety Code section 11000 et seq.].

8 5. Code section 4032 defines “license” to include any license, permit, registration,
9 certificate or exemption issued by the Board.

10 6. Code section 4300 states:

11 (a) Every license issued may be suspended or revoked.

12 (b) The board shall discipline the holder of any license issued by the board,
13 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

14 (1) Suspending judgment.

15 (2) Placing him or her upon probation.

16 (3) Suspending his or her right to practice for a period not exceeding one year.

17 (4) Revoking his or her license.

18 (5) Taking any other action in relation to disciplining him or her as the board in
19 its discretion may deem proper.

20 (c) The board may refuse a license to any applicant guilty of unprofessional
21 conduct. The board may, in its sole discretion, issue a probationary license to any
22 applicant for a license who is guilty of unprofessional conduct and who has met all
other requirements for licensure. The board may issue the license subject to any
terms or conditions not contrary to public policy, including, but not limited to, the
following:

23 (1) Medical or psychiatric evaluation.

24 (2) Continuing medical or psychiatric treatment.

25 (3) Restriction of type or circumstances of practice.

26 (4) Continuing participation in a board-approved rehabilitation program.

27 (5) Abstention from the use of alcohol or drugs.

28 (6) Random fluid testing for alcohol or drugs.

1 (7) Compliance with laws and regulations governing the practice of pharmacy.

2 (d) The board may initiate disciplinary proceedings to revoke or suspend any
3 probationary certificate of licensure for any violation of the terms and conditions of
4 probation. Upon satisfactory completion of probation, the board shall convert the
5 probationary certificate to a regular certificate, free of conditions.

6 (e) The proceedings under this article shall be conducted in accordance with
7 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
8 Government Code, and the board shall have all the powers granted therein. The
9 action shall be final, except that the propriety of the action is subject to review by the
10 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

11 7. Code section 4300.1 states:

12 The expiration, cancellation, forfeiture, or suspension of a board issued license by
13 operation of law or by order or decision of the board or a court of law, the placement
14 of a license on a retired status, or the voluntary surrender of a license by a licensee
15 shall not deprive the board of jurisdiction to commence or proceed with any
16 investigation of, or action or disciplinary proceeding against, the licensee or to render
17 a decision suspending or revoking the license.

18 8. Code section 4307, subdivision (a) states:

19 (a) Any person who has been denied a license or whose license has been revoked or
20 is under suspension, or who has failed to renew his or her license while it was under
21 suspension, or who has been a manager, administrator, owner, member, officer,
22 director, associate, or partner of any partnership, corporation, firm or association
23 whose application for a license has been denied or revoked, is under suspension or
24 has been placed on probation, and while acting as the manager, administrator owner,
25 member, officer, director, associate, or partner had knowledge of or knowingly
26 participated in any conduct for which the license was denied, revoked, suspended or
27 placed on probation, shall be prohibited from serving as a manager, administrator,
28 owner, member, officer, director, associate, or partner 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.

STATUTORY PROVISIONS

9. Code section 490 states:

(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.

(b) Notwithstanding any other provision of law, a board may exercise any
authority to discipline a licensee for conviction of a crime that is independent of the
authority granted under subdivision (a) only if the crime is substantially related to the
qualifications, functions, or duties of the business or profession for which the
licensee's license was issued.

1 (c) A conviction within the meaning of this section means a plea or verdict
2 of guilty or a conviction following a plea of nolo contendere. An action that a board is
3 permitted to take following the establishment of a conviction may be taken 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.

4 (d) The Legislature hereby finds and declares that the application of this
5 section has been made unclear by the holding in *Petropoulos v. Department of Real*
6 *Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a
7 significant number of statutes and regulations in question, resulting in potential harm
8 to the consumers of California from licensees who have been convicted of crimes.
Therefore, the Legislature finds and declares that this section establishes an
independent basis for a board to impose discipline upon a licensee, and that the
amendments to this section made by Chapter 33 of the Statutes of 2008 do not
constitute a change to, but rather are declaratory of, existing law.

9 10. Code section 493 states:

10 Notwithstanding any other provision of law, in a proceeding conducted by
11 a board within the department pursuant to law to deny an application for a license
12 or to suspend or revoke a license or otherwise take disciplinary action against a
13 person who holds a license, upon the ground that the applicant or the licensee has
14 been convicted of a crime substantially related to the qualifications, functions, and
15 duties of the licensee in question, the record of conviction of the crime shall be
16 conclusive evidence of the fact that the conviction occurred, but only of that fact,
and the board may inquire into the circumstances surrounding the commission of
the crime in order to fix the degree of discipline or to determine if the conviction
is substantially related to the qualifications, functions, and duties of the licensee in
question.

17 As used in this section, "license" includes "certificate," "permit," "authority,"
18 and "registration."

19 11. Code section 4301 states, in pertinent part:

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

22 ...

23 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
24 otherwise, and whether the act is a felony or misdemeanor or not.

25 ...

26 (j) The violation of any of the statutes of this state, of any other state, or of the
27 United States regulating controlled substances and dangerous drugs.

28 ...

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

17 Section 1203.4 of the Penal Code allowing the person to withdraw their plea of guilty
18 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
19 the accusation, information, or indictment.

20 ...

21 **COST RECOVERY**

22 12. Code section 125.3 provides, in pertinent part, that the Board may request the
23 administrative law judge to direct a licentiate found to have committed a violation or violations of
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
25 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
27 included in a stipulated settlement.

28 **FIRST CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or
Corruption)

13. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit or
corruption, as follows.

14. On or about April 6, 2023, a crime victim related to the Butte County Sheriff's
Department that approximately "seven to eight minutes" after her husband had placed
confidential outgoing mail inside of their mailbox, it was stolen by a female suspect (later
identified as Respondent). The victim's neighbor's surveillance camera recorded the incident.

1 The vehicle involved in the incident was registered to Respondent. The Sheriff's Department
2 located Respondent's vehicle at a nearby casino. When confronted by a deputy sheriff,
3 Respondent denied the incident and refused to allow the officer to search her vehicle. However,
4 because Respondent's passenger was on active probation, the deputy sheriff conducted a
5 probation search. The deputy sheriff recovered three laptops, various stolen mail, 0.63 grams of
6 methamphetamine and a methamphetamine pipe. The passenger stated that he had driven
7 Respondent through a neighborhood while she stole the contents of four mailboxes. Respondent
8 was arrested for violations of: (1) Penal Code section 530.5(e) (mail theft, a misdemeanor); (2)
9 Health & Safety Code section 11377(a) (possession of a controlled substance, a misdemeanor),
10 and; (3) Penal Code section 21710 (possession of composite/wood knuckles, a misdemeanor).
11 During the resulting Butte County Superior Court criminal prosecution, addressed below in
12 paragraph 19, on June 21, 2023, the court entered an order prohibiting Respondent's conduct as a
13 pharmacy technician as a condition of her release on her own recognizance or bail, and/or
14 criminal probation, pursuant to Penal Code section 23.

15 15. On or about July 12, 2023, a Butte County deputy sheriff responded to a casino
16 regarding a report of a patron (later identified as Respondent) who appeared to be under the
17 influence of drugs. The deputy sheriff contacted Respondent, who was seated in the driver's seat
18 of a parked vehicle. The owner of that vehicle did not know Respondent. Respondent appeared
19 confused and did not know why she was inside of the vehicle. Similarly, she was not sure how
20 she had gotten to the casino. While speaking with Respondent, the deputy sheriff observed
21 objective symptoms of narcotic intoxication. Respondent denied being under the influence of
22 alcohol or drugs. Respondent was arrested for violation of Health and Safety Code section
23 115500(a) (being under the influence of a controlled substance, a misdemeanor). When the
24 deputy sheriff conducted a search incident to arrest, he found a glass methamphetamine smoking
25 pipe, three credit cards belonging to individuals other than Respondent, and two "shaved keys"
26 believed to be used to open community mailboxes, all located in Respondent's backpack.
27 Respondent denied ownership of the items, claiming that three other subjects had access to her
28 backpack. Respondent was arrested for violations of: (1) Penal Code section 530.5(a) (identity

1 theft, a misdemeanor); (2) Penal Code section 466 (possession of burglary tools, a
2 misdemeanor), and; (3) Health & Safety Code section 11364(a) (possession of drug
3 paraphernalia, a misdemeanor).

4 16. On or about October 7, 2023, a crime victim reported to the Yuba City Police
5 Department that his work-issued vehicle had been stolen. The vehicle's GPS was "pinged" and
6 located. The vehicle was equipped with a dashboard camera that recorded the theft. The incident
7 was recorded via the vehicle's dashboard camera. Respondent was identified as one of the
8 suspects from the video footage who had stolen various items from the vehicle. On October 11,
9 2023, officers executed a search warrant of Respondent's residence and recovered some of the
10 items stolen from the vehicle, including tools, computers and workwear, valued at \$13,425.00.
11 Respondent was not at the residence during the search, and her roommates told the officer that
12 Respondent had recently bragged about stealing a truck, tools and computers. A warrant was
13 issued for Respondent for violations of: (1) Penal Code section 10851(a) (taking a vehicle
14 without owner's Consent/vehicle theft, a felony); (2) Penal Code section 182(a) (criminal
15 conspiracy, a felony); (3) Penal Code section 487(a) (grand theft - value exceeding \$950.00, a
16 felony), and; (4) Penal Code section 496(a) (receiving stolen property, a misdemeanor).

17 17. On October 12, 2023, a law enforcement officer conducted an enforcement stop on a
18 vehicle after observing a painted blue square on the vehicle's license plate where the registration
19 tab was supposed to be affixed. A records check of the vehicle revealed that its registration
20 expired in 2022. Upon contact with the driver, identified as Respondent, she stated to the officer
21 that the license plate had been painted prior to her purchasing the vehicle from a friend. The
22 officer conducted a warrant check and arrested Respondent on her active felony warrant.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct - Violation of Statutes Regulating Controlled Substances)

25 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
26 in that Respondent violated statutes regulating controlled substances, as set forth above in
27 paragraphs 14 and 15, incorporated herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct - Conviction of Substantially Related Crime)

3 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),
4 and 490, in that Respondent was convicted of the following crimes that are substantially related to
5 the qualifications, functions or duties of a pharmacy technician: On or about September 29, 2023,
6 in the case of *People v. Jayme Sue Pauline*, (Super. Ct. Butte County, Case No. 23CM01520),
7 Respondent was convicted by plea of violating Penal Code section 530.5, subdivision (e) (mail
8 theft, a misdemeanor), and of violating Health & Safety Code section 11377, subdivision (a)
9 (possession of a controlled substance, a misdemeanor). Respondent was sentenced to 15 days in
10 jail (with Drug Programs authorized), one year of formal probation with terms and conditions,
11 and to pay fees and assessments.

12 20. The circumstances of the crime are set for in paragraph 14 above, incorporated
13 herein.

14 **OTHER MATTERS**

15 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
16 License Number TCH 175358, issued to Jayme Sue Pauline, then Jayme Sue Pauline shall be
17 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
18 or partner of a licensee for five years if Pharmacy Technician License Number TCH 175358 is
19 placed on probation or until Pharmacy Technician License Number TCH 175358 is reinstated if it
20 is revoked.

21 **PRAYER**

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

24 1. Revoking Pharmacy Technician License Number TCH 175358, issued to Jayme Sue
25 Pauline;

26 2. Prohibiting Jayme Sue Pauline from serving as a manager, administrator, owner,
27 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
28 License Number TCH 175358 is placed on probation, or until Pharmacy Technician License

1 Number TCH 175358 is reinstated, if revoked;

2 3 Ordering Jayme Sue Pauline to pay the Board of Pharmacy the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

6
7 DATED: 6/10/2024

Sodergren,
Anne@DCA
Digitally signed by
Sodergren, Anne@DCA
Date: 2024.06.10
19:32:11 -07'00'

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

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