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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. 7834

**ELISA G. MCCOMB
4620 Camden Ct.
Stockton, CA 95212**

DEFAULT DECISION AND ORDER

**Pharmacy Technician License No. TCH
35895**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about August 20, 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. 7834 against Elisa G. McComb (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On or about February 14, 2001, the Board issued Pharmacy Technician License No. TCH 35895 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7834 and will expire on December 31, 2024, unless renewed.

3. On or about September 3, 2024, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7834, 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

1 section 4100, is required to be reported and maintained with the Board. Respondent's address of
2 record was and is:
3 4620 Camden Ct.
4 Stockton, CA 95212.

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

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

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

13 6. The Board takes official notice of its records and the fact that Respondent failed to
14 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
15 waived her right to a hearing on the merits of Accusation No. 7834.

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

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
24 finds that the charges and allegations in Accusation No. 7834, are separately and severally, found
25 to be true and correct by clear and convincing evidence.

26 9. The Board finds that the actual costs for Investigation and Enforcement are \$2,560.75
27 as of October 16, 2024.

28 **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Elisa G. McComb has subjected
her Pharmacy Technician License No. TCH 35895 to discipline.

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

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

4 a. Respondent is subject to disciplinary action for unprofessional conduct under Code
5 sections 490 and 4301, subdivision (l), in that she was convicted of a crime that is substantially
6 related to the qualifications, functions or duties of a pharmacy technician as defined by Cal. Code
7 Regs., title 16, section 1770, subdivisions (a) and (c)(4) as follows: On or about October 16,
8 2023, in the case of *People v. Elisa Genan McComb* (Stanislaus County Superior Court Case No.
9 CR-23-011255), Respondent was charged with violating Penal Code Section 211 (Robbery),
10 Penal Code section 417.4 (Exhibiting imitation firearm in threatening manner), Penal Code
11 section 459.5, subdivision (a) (Shoplifting), Health and Safety Code section 11350, subdivision
12 (a) (Possession of a controlled substance- Heroin and Methamphetamine). On or about October
13 20, 2023, Respondent was convicted on her plea of nolo contendere of violating Penal Code
14 section 459.5, subdivision (a) (Shoplifting). Respondent was sentenced to one year of informal
15 probation, and ordered to serve 90 days in jail, to pay restitution, to pay fines and fees, to submit
16 to search anytime for stolen property, and to not knowingly be within 100 yards of Ross Dress for
17 Less in Modesto, California.

18 b. Respondent is subject to disciplinary action for unprofessional conduct under Code
19 section 4301, subdivision (j), in that on or about October 12, 2023, Respondent violated state
20 statutes regulating controlled substances and dangerous drugs (methamphetamine, heroin, and
21 glass smoking pipe). The facts and circumstances are more fully set forth above in paragraph 17
22 and its subparts, in violation of Health and Safety Code sections 11364, subdivision (a)
23 (possession of drug paraphernalia), Health and Safety Code section 11377, subdivision (a)
24 (possession of controlled substance), and Health and Safety Code section 11350, subdivision (a)
25 (possession of narcotic controlled substance).

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ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 35895, issued to Respondent Elisa G. McComb, is revoked.

IT IS ALSO ORDERED that pursuant to Code section 4307, Respondent Elisa G. McComb 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 January 16, 2025.

It is so ORDERED on December 17, 2024.



Seung W. Oh, Pharm.D.
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:SA2024302196

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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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. 7834

14 **ELISA G. MCCOMB**
15 **4620 Camden Ct.**
Stockton, CA 95212

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **35895**

18 Respondent.

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 February 14, 2001, the Board issued Pharmacy Technician License
24 Number TCH 35895 to Elisa G. McComb (Respondent). The Pharmacy Technician License was
25 in full force and effect at all times relevant to the charges brought herein and will expire on
26 December 31, 2024, unless renewed.

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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."

6. Code section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control 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

1 of this section, and where the person has been given notice of the proceeding as
2 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
3 the Government Code. The authority to proceed as provided by this subdivision shall
4 be in addition to the board's authority to proceed under Section 4339 or any other
5 provision of law.

6 7. Code section 4011 states:

7 The board shall administer and enforce this chapter and the Uniform Controlled Substances
8 Act (Division 10 (commencing with Section 11000) of the Health and Safety Code).

9 **STATUTORY PROVISIONS**

10 8. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
11 license on the ground that the licensee has been convicted of a crime substantially related to the
12 qualifications, functions, or duties of the business or profession for which the license was issued.

13 9. Code section 4301 states, in pertinent part:

14 The board shall take action against any holder of a license who is guilty of
15 unprofessional conduct. Unprofessional conduct shall include, but is not limited to,
16 any of the following:

17 ...

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

20 ...

21 (l) The conviction of a crime substantially related to the qualifications,
22 functions, and duties of a licensee under this chapter. The record of conviction of a
23 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
24 States Code regulating controlled substances or of a violation of the statutes of this
25 state regulating controlled substances or dangerous drugs shall be conclusive
26 evidence of unprofessional conduct. In all other cases, the record of conviction shall
27 be conclusive evidence only of the fact that the conviction occurred. The board may
28 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.

...

1 10. Health and Safety Code section 11054 states, in pertinent part:

2 (a) The controlled substances listed in this section are included in Schedule I.

3 (c) Opium derivatives. Unless specifically excepted or unless listed in another
4 schedule, any of the following opium derivatives, its salts, isomers, and salts of
5 isomers whenever the existence of those salts, isomers, and salts of isomers is
6 possible within the specific chemical designation:

7 (11) Heroin.

8 11. Health and Safety Code section 11055 states, in pertinent part:

9 (a) The controlled substances listed in this section are included in Schedule II.

10 (d) Stimulants. Unless specifically excepted or unless listed in another
11 schedule, any material, compound, mixture, or preparation which contains any
12 quantity of the following substances having a stimulant effect on the central nervous
13 system:

14 (2) Methamphetamine, its salts, isomers, and salts of its isomers.

15 12. Health and Safety Code section 11364, subdivision (a) states:

16 It is unlawful to possess an opium pipe or any device, contrivance, instrument,
17 or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance
18 specified in subdivision (b), (c), or (e) or paragraph (1) of subdivision (f) of Section
19 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054,
20 specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of
21 subdivision (d) of Section 11055, or (2) a controlled substance that is a narcotic drug
22 classified in Schedule III, IV, or V.

23 13. Health and Safety Code section 11377, subdivision (a) states:

24 Except as authorized by law and as otherwise provided in subdivision (b) or
25 Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of
26 Division 2 of the Business and Professions Code, every person who possesses any
27 controlled substance which is (1) classified in Schedule III, IV, or V, and which is not
28 a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs
(13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of
subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision
(f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055,
unless upon the prescription of a physician, dentist, podiatrist, or veterinarian,
licensed to practice in this state, shall be punished by imprisonment in a county jail
for a period of not more than one year, except that such person may instead be
punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person
has one or more prior convictions for an offense specified in clause (iv) of
subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code
or for an offense requiring registration pursuant to subdivision (c) of Section 290 of
the Penal Code.

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1 14. Health and Safety Code section 11350, subdivision (a) states:

2 Except as otherwise provided in this division, every person who possesses (1)
3 any controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of
4 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
5 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
6 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
7 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
8 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
9 practice in this state, shall be punished by imprisonment in a county jail for not more
10 than one year, except that such person shall instead be punished pursuant to
11 subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior
12 convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph
13 (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring
14 registration pursuant to subdivision (c) of Section 290 of the Penal Code.

9 **REGULATORY PROVISIONS**

10 15. California Code of Regulations, title 16 (Cal. Code Regs.), section 1770, provides, in
11 pertinent part:

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

17 ...

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

19 ...

20 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
21 conspire to violate, any provision of Chapter 13 (commencing with Section 801) of
22 Title 21 of the United States Code regulating controlled substances or any law of this
23 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

23 ...

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

25 **COST RECOVERY**

26 16. Code section 125.3 provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
2 renewed or reinstated.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of Crime)**

5 17. Respondent is subject to disciplinary action for unprofessional conduct under Code
6 sections 490 and 4301, subdivision (I), in that she was convicted of a crime that is substantially
7 related to the qualifications, functions or duties of a pharmacy technician as defined by Cal. Code
8 Regs., title 16, section 1770, subdivisions (a) and (c)(4) as follows:

9 a. On or about October 16, 2023, in the case of *People v. Elisa Genan McComb*
10 (Stanislaus County Superior Court Case No. CR-23-011255), Respondent was charged with
11 violating Penal Code Section 211 (Robbery), Penal Code section 417.4 (Exhibiting imitation
12 firearm in threatening manner), Penal Code section 459.5, subdivision (a) (Shoplifting), Health
13 and Safety Code section 11350, subdivision (a) (Possession of a controlled substance- Heroin and
14 Methamphetamine). On or about October 20, 2023, Respondent was convicted on her plea of
15 nolo contendere of violating Penal Code section 459.5, subdivision (a) (Shoplifting). Respondent
16 was sentenced to one year of informal probation, and ordered to serve 90 days in jail, to pay
17 restitution, to pay fines and fees, to submit to search anytime for stolen property, and to not
18 knowingly be within 100 yards of Ross Dress for Less in Modesto, California. The facts and
19 circumstances are as follows:

20 b. On or about October 12, 2023, officers with the Modesto Police Department were
21 dispatched to Ross Dress for Less (Ross) for a report of a robbery. After further investigation,
22 officers determined that there was another theft at Michaels involving the same individual.
23 Witnesses provided descriptions of the male suspect and his vehicle. Officers located the suspect
24 vehicle at a nearby gas station and found Respondent and the male subject inside the vehicle. The
25 male subject and Respondent were questioned, and the vehicle was searched incident to arrest.
26 An airsoft gun was found on the driver's side floorboard of the vehicle. Additionally, drug
27 paraphernalia was found inside Respondent's purse and inside the center console. Two
28 containers inside Respondent's purse were filled with a black tar-like substance and white crystal-

1 like substance, which were later identified as methamphetamine and heroin. A glass pipe was
2 found inside the center console. Ross employees informed the officers that Respondent and the
3 male were inside the store together and walked out of the store together with the male subject
4 holding stolen items. While in the store, the male subject lifted up his shirt and brandished the
5 firearm to employees. Respondent was with the male subject during the entire incident. Officers
6 observed security video of the incident. Michaels' employees observed the male subject steal
7 scissors from the store and an employee confronted the male subject. The male subject then
8 threatened the employee with the air soft gun. Respondent admitted to the officers that she was in
9 the Ross with the male subject and knew that he stole the items. Respondent admitted that the
10 drug paraphernalia was hers, and she uses heroin multiple times per day and methamphetamine
11 once in a while. Respondent was arrested for robbery and conspiracy to commit a crime.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Violation of statutes Regulating Controlled Substances)**

14 18. Respondent is subject to disciplinary action for unprofessional conduct under Code
15 section 4301, subdivision (j), in that on or about October 12, 2023, Respondent violated state
16 statutes regulating controlled substances and dangerous drugs (methamphetamine, heroin, and
17 glass smoking pipe). The facts and circumstances are more fully set forth above in paragraph 17
18 and its subparts, in violation of Health and Safety Code sections 11364, subdivision (a)
19 (possession of drug paraphernalia), Health and Safety Code section 11377, subdivision (a)
20 (possession of controlled substance), and Health and Safety Code section 11350, subdivision (a)
21 (possession of narcotic controlled substance).

22 **OTHER MATTERS**

23 19. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
24 License Number TCH 35895, issued to Elisa G. McComb, Elisa G. McComb shall be prohibited
25 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
26 of a licensee for five years if Pharmacy Technician License Number TCH 35895 is placed on
27 probation or until said license is reinstated if revoked.

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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 License Number TCH 35895, issued to Elisa G. McComb;

2. Prohibiting Elisa G. McComb from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician License Number TCH 35895 is placed on probation or until the license is reinstated, if it is revoked;

3. Ordering Elisa G. McComb to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: 8/20/2024

Sodergren, Digitally signed by
Anne@DCA Sodergren, Anne@DCA
Date: 2024.08.20
14:00:41 -07'00'

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

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