

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

In the Matter of the Accusation Against:

JENNIFER RENEE YOUNG, Respondent

Pharmacy Technician Registration No. TCH 147285

Agency Case No. 7197

OAH No. 2022070442

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge 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 March 8, 2023.

It is so ORDERED on February 6, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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PROPOSED DECISION

Wim van Rooyen, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference and telephone on December 15, 2022, from Sacramento, California.

Summer D. Haro, Deputy Attorney General, represented Anne Sodergren (complainant), Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs, State of California.

Marcus Wiggins, Attorney at Law, represented Jennifer Renee Young (respondent), who appeared.

Evidence was received, the record closed, and the matter submitted for decision on December 15, 2022.

FACTUAL FINDINGS

Jurisdiction

1. On March 17, 2015, the Board issued respondent Original Pharmacy Technician Registration No. TCH 147285 (registration). The registration will expire on November 30, 2024, unless renewed.

2. On May 31, 2022, the Board's Executive Officer, in her official capacity, signed and thereafter filed an Accusation in Case No. 7197 (Accusation) against respondent. The Accusation alleges three causes to discipline respondent: (1) violation of state and federal statutes regulating controlled substances and dangerous drugs; (2) violation of pharmacy laws; and (3) unprofessional conduct. The Accusation seeks revocation of respondent's registration and an award of complainant's reasonable investigation and enforcement costs.

3. Respondent timely filed a Notice of Defense. The matter was set for an evidentiary hearing before an ALJ of the OAH, an independent adjudicative agency of the State of California, pursuant to Government Code section 11500 et seq.

Complainant's Evidence

NOVEMBER 20, 2020 SEARCH OF RESPONDENT'S RESIDENCE

4. On November 20, 2020, officers from the Sacramento County Sheriff's Office gang suppression unit and the Elk Grove Police Department executed a search warrant at respondent's address of record with the Board. During that search, officers discovered the following items in the listed locations:

Upstairs master bedroom (respondent and her boyfriend's room): respondent's Walgreens pharmacy technician badge; a loaded handgun on the nightstand; a plastic bag containing several rounds of ammunition; multiple plastic zip bags/clear plastic bags containing several pounds of processed marijuana¹; a laptop; a DVR screen with approximately six active surveillance screens; several items of men's clothing in the closet; five pairs of Adidas "Yeezy" athletic shoes (valued at \$400 a pair); a Louis Vuitton handbag and purse (valued at \$3,500 and \$1,500, respectively); approximately 50 pairs of shoes from Prada, Gucci, Louis Vuitton, Burberry, Air Jordan, and Nike (valued at between \$150 and \$1,000 a pair); approximately 20 purse/wallet combinations in boxes with packaging from Prada, Gucci, and Louis Vuitton, valued at \$3,000 a pair; approximately 20 designer belts from Gucci and Louis Vuitton, valued at \$400 each; a Versace comforter valued at \$925; and an encrypted iPhone located in a Louis Vuitton bag valued at \$5,000.

Garage: 12 plastic sealed boxes inside of a trash bag containing approximately 12,331 grams of presumptive-positive methamphetamine²; three plastic sealed boxes and one clear gallon plastic zip bag located inside of a backpack containing 3,119

¹ Under California law, marijuana or cannabis is a Schedule I controlled substance as designated by Health and Safety Code section 11054, subdivision (d)(13). Under federal law, it is a Schedule I controlled substance as designated by the Code of Federal Regulations, title 21, section 1308.11, subdivision (d)(31).

² Under California law, methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2).

grams of presumptive-positive methamphetamine; a digital scale; and a 300-count box of clear plastic sandwich bags.

Hallway: a black bag containing approximately one pound of processed marijuana; a black plastic trash bag containing approximately 25 pounds of packaged processed marijuana; a clear plastic bag containing approximately one pound of processed marijuana; and an encrypted cell phone.

Upstairs southeast bedroom: \$1,270 inside of a wall electrical outlet; multiple plastic bags containing approximately 10 pounds of processed marijuana; two clear plastic bags containing approximately two pounds of processed marijuana; several clear plastic tied-off bindles containing approximately 47 grams of presumptive-positive cocaine³; a handgun with no serial number; an assault rifle (AR15) lower; ammunition; a digital scale with green/white residue; a clear plastic bag containing 54.5 grams of presumptive-positive cocaine; and a white plastic bottle containing a white, powdery substance identified as "Chemcenter Benzocaine."

Upstairs northeast bedroom: a bag of assorted caliber ammunition; two handgun magazines with multiple rounds of live ammunition; a handgun slide; packaging material; disposable gloves; USP shipping labels; and holographic optics for firearms.

Living room: brass knuckles and a money counter.

³ Under California law, cocaine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (b)(6).

5. Respondent and five other occupants of the home were present during the search. After officers provided respondent with her *Miranda* rights, she stated:

I don't know about any meth in the garage. I don't go out there. I just work and do arts and crafts upstairs until I go to bed. Well, I do go out to the garage to smoke, but that is it. I don't tinker around out there.

I share the bedroom on and off with my boyfriend . . . He and I have been together on and off for over twenty years. I am mad at him right now, so he isn't here.

When the officer asked respondent if the handgun and methamphetamine belonged to her boyfriend, she "abruptly stopped speaking and lowered her head." She declined to make any further statement or make eye contact with the officers.

6. Respondent was arrested and booked into jail on various criminal charges, including possession of controlled substances for sale and while armed. However, on January 13, 2021, all criminal charges against respondent were dismissed.

TESTIMONY OF MANISHA SHAFIR

7. Manisha Shafir (Shafir) is a Board Supervising Inspector. She has been a licensed California pharmacist since 1999. Before her employment by the Board, she worked for several years as a staff pharmacist and pharmacy manager. In that capacity, she was required to supervise and manage the work of pharmacy technicians. Based on her work experience, she is familiar with the duties and responsibilities of a pharmacy technician as well as the laws and regulations that govern pharmacy technicians.

8. Shafir described a pharmacy technician as “the right hand of the pharmacist.” Pharmacy technicians are responsible for preparing drug orders, handling medications, counting inventory, and interacting with patients. As part of their work, they have access to dangerous drugs and controlled substances. As such, they must be competent, possess good judgment, and be trustworthy and law-abiding.

9. Shafir reviewed the police report concerning the search of respondent’s residence and the items discovered in the course of that search. Shafir opined that the report demonstrates that respondent engaged in unprofessional conduct. Specifically, police discovered several pounds of marijuana in respondent’s bedroom. Possession of such a large quantity far exceeded any personal use needs and violated state, federal, and pharmacy laws. The presence of the high-end apparel and accessories, surveillance equipment, and a loaded handgun in respondent’s bedroom further suggested that respondent was engaged in the unlawful sale of marijuana and/or other drugs. Even if some of the items belonged to respondent’s boyfriend, they were nonetheless in her personal space of the home, present in plain sight, and thus in her possession. Additionally, the presence of large quantities of marijuana, methamphetamine, cocaine, and drug paraphernalia throughout other parts of the home showed that respondent was surrounding herself with other individuals using and/or selling controlled substances.

10. Shafir explained that the above-mentioned conduct raises serious concerns regarding respondent’s judgment and decision making, as well as the potential that she may divert drugs from work. Additionally, if she personally consumes drugs and works under the influence, it may lead to medication errors and patient harm.

Respondent's Evidence

11. Respondent did not testify on her own behalf, but was briefly cross-examined by complainant pursuant to Government Code section 11513, subdivision (b). Respondent has been employed as a pharmacy technician at Walgreens for the past seven years, including in November 2020. Her employer is not aware of this disciplinary action. She has never been written up at work for any performance issues. Respondent also has no history of Board discipline, citations and fines, or letters of admonishment.

Analysis

CAUSE FOR DISCIPLINE

12. Respondent correctly notes that she was never convicted of any crime related to the November 2020 search of her residence. Her arrest alone cannot serve as a basis for any discipline. However, complainant does not allege cause for discipline based on a criminal conviction or arrest. Instead, the Accusation alleges unprofessional conduct, which complainant independently established by a preponderance of the evidence.

13. At a minimum, the evidence persuasively showed that respondent possessed several pounds of marijuana in her bedroom in violation of state and federal law. (See Health & Saf. Code, § 11357, subd. (b) [unlawful possession of more than 28.5 grams of cannabis]; 21 U.S.C. § 844, subd. (a) [unlawful possession of a controlled substance].) Although respondent shared the bedroom with her boyfriend, respondent did not testify that the marijuana belonged to him. Even if the marijuana belonged to respondent's boyfriend, it was nonetheless located in a part of the home for which respondent had personal responsibility and which is deemed to be in her

possession. Moreover, given the other contents of respondent's bedroom and the conspicuous presence of large amounts of drugs throughout the home, it is implausible that respondent had no knowledge of the marijuana.

14. Respondent's unlawful possession of marijuana, a Schedule I controlled substance, constituted unprofessional conduct. Thus, cause exists to discipline respondent's registration.

APPROPRIATE DISCIPLINE

15. Respondent has no history of Board discipline, citations, or letters of admonishment. She reportedly has no work performance issues. It is also important to be mindful that the purpose of license discipline proceedings is not to punish, but to protect the public. (*Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.)

16. However, respondent failed to acknowledge or accept any responsibility for her misconduct. (*Seide v. Com. of Bar Examiners of the State Bar of Cal.* (1989) 49 Cal.3d 933, 940 ["Fully acknowledging the wrongfulness of [one's] actions is an essential step towards rehabilitation".]) Shafir persuasively explained that such misconduct raises serious concerns regarding respondent's judgment and decision making, the potential for drug diversion from work, and the risk of patient harm. Moreover, respondent declined to present any evidence of mitigating or extenuating circumstances, nor did she offer any meaningful rehabilitation evidence. Consequently, revocation of her registration is necessary to protect public health, safety, and welfare.

COSTS

17. The Board may recover its reasonable investigation and enforcement costs of a case. (Bus. & Prof. Code, §125.3, subd. (a).) Complainant incurred \$45.50 in

investigation costs, as documented in a Certification of Costs of Investigation by Agency Executive Officer in Case No. 7197, dated December 7, 2022; and \$10,977.50 in enforcement costs, as documented in a Certification of Prosecution Costs: Declaration of Summer D. Haro, dated December 13, 2022. The certifications describe the general tasks performed, the time spent on each task, and the method of calculating the costs. Complainant's total requested investigation and enforcement costs of \$11,023 are supported by the records and reasonable.

LEGAL CONCLUSIONS

1. "Protection of the public shall be the highest priority for the California State Board of Pharmacy in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." (Bus. & Prof. Code, § 4001.1.)

Burden and Standard of Proof

2. Absent a statute to the contrary, the burden of proof in administrative disciplinary proceedings rests upon the party making the charges. (*Parker v. City of Fountain Valley* (1981) 127 Cal.App.3d 99, 113; Evid. Code, § 115.) Thus, complainant bears the burden of proof.

3. In determining the proper standard of proof to apply in license disciplinary proceedings, courts have drawn a distinction between professional licenses and nonprofessional or occupational licenses. In proceedings involving a professional license, the standard of proof is clear and convincing evidence, while in disciplinary proceedings involving a nonprofessional or occupational license, the standard of proof

is preponderance of the evidence. (*Lone Star Sec. & Video, Inc. v. Bur. of Security and Investigative Services* (2012) 209 Cal.App.4th 445, 453.)

4. A pharmacy technician registration is more akin to a nonprofessional or occupational license because pharmacy technicians are not required to satisfy extensive educational, training, and testing requirements like those required of pharmacists. Thus, the preponderance of the evidence standard of proof applies here. The term preponderance of the evidence means "more likely than not" (*Sandoval v. Bank of Am.* (2002) 94 Cal.App.4th 1378, 1387), or "evidence that has more convincing force than that opposed to it." (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567).

Cause for Discipline

5. "The board shall take action against any holder of a license who is guilty of unprofessional conduct . . ." (Bus. & Prof. Code, § 4301.) "Unprofessional conduct includes, but is not limited to, any of the following: . . . (j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs . . . (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency . . ." (*Id.*, subd. (j) & (o).)

6. Based on the Factual Findings as a whole, and specifically, Factual Findings 12 through 14, respondent unlawfully possessed marijuana, a Schedule I controlled substance, in violation of state and federal laws, and thus also in violation of pharmacy laws. Consequently, cause exists to discipline respondent's registration

pursuant to Business and Professions Code section 4301 generally, and subdivisions (j) and (o) specifically.

Appropriate Discipline

7. Based on the Factual Findings as a whole, and specifically, Factual Findings 15 and 16, the appropriate discipline is revocation of respondent's registration. Revocation is necessary to protect public health, safety, and welfare.

Costs

8. The Board may recover its reasonable investigation and enforcement costs of a case. (Bus. & Prof. Code, § 125.3, subd. (a).) As noted in Factual Finding 17, the total requested investigation and enforcement costs of \$11,023 are reasonable.

9. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth guidelines for determining whether the costs should be assessed in the particular circumstances of each case. These factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of her position, whether the licensee has raised a colorable challenge to the proposed discipline, the licensee's financial ability to pay, and whether the scope of the investigation was appropriate to the alleged misconduct.

10. Here, the scope of the investigation was appropriate. Respondent did not demonstrate a subjective good faith belief in the merits of her position, was not successful in getting charges dismissed or reduced, and did not raise a colorable challenge to the proposed discipline. She failed to present any evidence regarding financial inability to pay. Moreover, the numerous expensive items located in her

bedroom suggest that she has the ability to pay cost recovery. Thus, it is appropriate to award the full amount of costs sought.

ORDER

1. Pharmacy Technician Registration Number TCH 147285 issued to respondent Jennifer Renee Young is REVOKED.
2. Respondent shall relinquish her registration, including any indicia of registration issued by the Board, to the Board within 10 days of the effective date of this decision.
3. Respondent may not reapply or petition the Board for reinstatement of her revoked registration for three years from the effective date of this decision.
4. As a condition precedent to reinstatement of her revoked registration, respondent shall reimburse the Board for its costs of investigation and prosecution in the amount of \$11,023. That amount shall be paid in full prior to the reinstatement of her registration unless otherwise ordered by the Board.

DATE: January 10, 2023

Wim vanRooyen

WIM VAN ROOYEN

Administrative Law Judge

Office of Administrative Hearings

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

12 In the Matter of the Accusation Against:

Case No. 7197

13 **JENNIFER RENEE YOUNG**

14 8508 Hollyberry Way
Elk Grove, CA 95624

ACCUSATION

15 **Pharmacy Technician License No. 147285**

16 Respondent.
17

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 March 17, 2015, the Board issued Pharmacy Technician License Number
22 147285 to Jennifer Renee Young (Respondent). The Pharmacy Technician License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on November
24 30, 2022, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 118, subdivision (b), provides that the suspension, expiration, surrender,
2 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary
3 action during the period within which the license may be renewed, restored, reissued or
4 reinstated.

5 5. Code section 4300 states:

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

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

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

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

22 (1) Medical or psychiatric evaluation.

23 (2) Continuing medical or psychiatric treatment.

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

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

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

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

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

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

 (e) The proceedings under this article shall be conducted in accordance with
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the

1 Government Code, and the board shall have all the powers granted therein. The
2 action shall be final, except that the propriety of the action is subject to review by the
3 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

4 6. Code section 4300.1 states:

5 The expiration, cancellation, forfeiture, or suspension of a board-issued license
6 by operation of law or by order or decision of the board or a court of law, the
7 placement of a license on a retired status, or the voluntary surrender of a license by a
8 licensee shall not deprive the board of jurisdiction to commence or proceed with any
9 investigation of, or action or disciplinary proceeding against, the licensee or to render
10 a decision suspending or revoking the license.

11 **STATUTORY PROVISIONS**

12 7. Code section 4022 states:

13 Dangerous drug or dangerous device means any drug or device unsafe for
14 self-use in humans or animals, and includes the following:

15 (a) Any drug that bears the legend: Caution: federal law prohibits dispensing
16 without prescription, Rx only, or words of similar import.

17 (b) Any device that bears the statement: Caution: federal law restricts this
18 device to sale by or on the order of a _____, Rx only, or words of similar
19 import, the blank to be filled in with the designation of the practitioner licensed to use
20 or order use of the device.

21 (c) Any other drug or device that by federal or state law can be lawfully
22 dispensed only on prescription or furnished pursuant to Section 4006.

23 8. Code section 4301 states, in pertinent part:

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

27 ...

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

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or
abetting the violation of or conspiring to violate any provision or term of this chapter
or of the applicable federal and state laws and regulations governing pharmacy,
including regulations established by the board or by any other state or federal
regulatory agency.

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1 9. Health and Safety Code section 11357, subdivision (b), states:

2 (b) Except as authorized by law, possession of more than 28.5 grams of
3 cannabis, or more than eight grams of concentrated cannabis, shall be punished as
4 follows:

5 (1) Persons under 18 years of age who possess more than 28.5 grams of
6 cannabis or more than eight grams of concentrated cannabis, or both, are guilty of an
7 infraction and shall be required to:

8 (A) Upon a finding that a first offense has been committed, complete eight
9 hours of drug education or counseling and up to 40 hours of community service over
10 a period not to exceed 90 days.

11 (B) Upon a finding that a second or subsequent offense has been committed,
12 complete 10 hours of drug education or counseling and up to 60 hours of community
13 service over a period not to exceed 120 days.

14 (2) Persons 18 years of age or older who possess more than 28.5 grams of
15 cannabis, or more than eight grams of concentrated cannabis, or both, shall be
16 punished by imprisonment in a county jail for a period of not more than six months or
17 by a fine of not more than five hundred dollars (\$500), or by both that fine and
18 imprisonment.

19 10. United States Code (U.S.C.), title 21, section 844, subdivision (a), states:

20 It shall be unlawful for any person knowingly or intentionally to possess a
21 controlled substance unless such substance was obtained directly, or pursuant to a
22 valid prescription or order, from a practitioner, while acting in the course of his
23 professional practice, or except as otherwise authorized by this title or title III. It shall
24 be unlawful for any person knowingly or intentionally to possess any list I chemical
25 obtained pursuant to or under authority of a registration issued to that person under
26 section 303 of this title [21 USCS § 823] or section 1008 of title III [21 USCS § 958]
27 if that registration has been revoked or suspended, if that registration has expired, or
28 if the registrant has ceased to do business in the manner contemplated by his
registration. It shall be unlawful for any person to knowingly or intentionally
purchase at retail during a 30 day period more than 9 grams of ephedrine base,
pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical
product, except that, of such 9 grams, not more than 7.5 grams may be imported by
means of shipping through any private or commercial carrier or the Postal Service.
Any person who violates this subsection may be sentenced to a term of imprisonment
of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that
if he commits such offense after a prior conviction under this title or title III, or a
prior conviction for any drug, narcotic, or chemical offense chargeable under the law
of any State, has become final, he shall be sentenced to a term of imprisonment for
not less than 15 days but not more than 2 years, and shall be fined a minimum of
\$2,500, except, further, that if he commits such offense after two or more prior
convictions under this title or title III, or two or more prior convictions for any drug,
narcotic, or chemical offense chargeable under the law of any State, or a combination
of two or more such offenses have become final, he shall be sentenced to a term of
imprisonment for not less than 90 days but not more than 3 years, and shall be fined a
minimum of \$5,000. Notwithstanding any penalty provided in this subsection, any
person convicted under this subsection for the possession of flunitrazepam shall be
imprisoned for not more than 3 years, shall be fined as otherwise provided in this
section, or both. The imposition or execution of a minimum sentence required to be

1 imposed under this subsection shall not be suspended or deferred. Further, upon
2 conviction, a person who violates this subsection shall be fined the reasonable costs
3 of the investigation and prosecution of the offense, including the costs of prosecution
4 of an offense as defined in sections 1918 and 1920 of title 28, United States Code,
5 except that this sentence shall not apply and a fine under this section need not be
6 imposed if the court determines under the provision of title 18 that the defendant
7 lacks the ability to pay.

8 **COST RECOVERY**

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

15 **DEFINITIONS**

16 12. "Cocaine" is a Schedule II controlled substance as designated by Health and Safety
17 Code section 11055, subdivision (b)(6).

18 13. "Marijuana," also known as cannabis, is a Schedule I controlled substance as
19 designated by Health and Safety Code section 11054, subdivision (d)(13). The Code of Federal
20 Regulations, title 21, section 1308.11, subdivision (d)(31), defines marijuana as a Level I
21 controlled substance under federal law.

22 14. "Methamphetamine" is a Schedule II controlled substance as designated by Health
23 and Safety Code section 11055, subdivision (d)(2).

24 **FACTUAL BACKGROUND**

25 15. On or about November 20, 2020, pursuant to a search warrant, officers with the
26 Sacramento Sheriff's Office Gang Suppression Unit and officers from the Elk Grove Police
27 Department served a search warrant at a residence where Respondent lived.

28 16. Officers found items of interest during a search warrant of the residence, including
the following:

a. In the upstairs master bedroom, officers found a Walgreens Pharmacy Tech badge for
Respondent, a handgun, a firearm magazine with ammunition, a laptop, a plastic bag containing

1 several rounds of ammunition, multiple plastic zip/clear plastic bags containing several pounds of
2 processed marijuana, a DVR screen with approximately six active surveillance screens, items of
3 men's clothing in the closet, Adidas "Yeezy" athletic shoes, Louis Vuitton handbag and purse,
4 approximately 50 pairs of designer shoes, approximately 20 designers purse/wallet combinations
5 in boxes with packaging, approximately 20 designer belts, a Versace comforter, Burberry shoes,
6 and an encrypted iPhone.

7 b. In the garage, officers found sealed boxes inside of a trash bag containing
8 approximately 12,331 grams of presumptive positive methamphetamine, 3 sealed boxes and on
9 clear gallon plastic bag inside of a backpack containing 3,119 grams of presumptive positive
10 methamphetamine, a digital scale, and a box of plastic sandwich bags.

11 c. In a hallway, officers found a black duffel bag containing approximately one pound
12 of processed marijuana, a black plastic trash bag containing approximately 25 pounds of
13 packaged processed marijuana, and a clear plastic bag containing approximately one pound of
14 processed marijuana.

15 d. In the upstairs southeast bedroom, officers found a laminated copy of a California
16 Driver's License belonging to another resident named O.S., \$1,270 inside of a wall electrical
17 outlet, multiple plastic bags containing approximately 10 pounds of process marijuana, several
18 clear plastic tied off bundles containing approximately 47.0 grams of presumptive positive
19 cocaine, a handgun, an AR15 lower, ammunition, a digital scale with green/white residue, clear
20 plastic bag containing 54.5 grams of presumptive positive cocaine, and a white plastic bottle
21 containing a white powder substance "Chemcenter Benzocaine."

22 e. In the upstairs northeast bedroom, officers found a bag of assorted caliber
23 ammunition, two handgun magazines with live ammunition, a handgun slide, packaging material,
24 disposable gloves, USPS shipping labels, and holographic optics for firearms.

25 17. In a safety deposit box related to Respondent, an officer found some items of jewelry
26 and paperwork including jewelry receipts related to Respondent's boyfriend.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

3 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
4 in conjunction with Health and Safety Code section 11357, subdivision (b), and U.S.C. title 21,
5 section 844, subdivision (a), in that Respondent violated the statutes of this state or of the United
6 States regulating controlled substances and dangerous drugs as set forth in paragraph 16 and its
7 subparts, above.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Violation of Pharmacy Laws)**

10 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
11 in conjunction with Health and Safety Code section 11357, subdivision (b), and U.S.C. title 21,
12 section 844, subdivision (a), in that Respondent violated laws governing pharmacy, as set forth in
13 paragraph 18, above.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 20. Respondent is subject to disciplinary action under Code section 4301 in that
17 Respondent engaged in unprofessional conduct as set forth in paragraphs 15 through 19, above.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician License Number 147285, issued to
22 Jennifer Renee Young;

23 2. Ordering Jennifer Renee Young to pay the Board of Pharmacy the reasonable costs of
24 the investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3; and,

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

DATED: 5/31/2022

Signature on File

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

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