

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

In the Matter of the Accusation Against:

ALICIA LYNN O'DELL, Respondent

Pharmacy Technician Registration No. TCH 138528

Agency Case No. 7550

DECISION AND ORDER

The attached Stipulated Surrender of License Order 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 February 1, 2024.

It is so ORDERED on January 2, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CHRISTOPHER M. YOUNG
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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12 **ALICIA LYNN O'DELL**
13 **275 S. 21st St**
14 **San Jose, CA 95116**
15 **Pharmacy Technician Registration No. TCH**
16 **138528**
Respondent.

Case No. 7550

OAH No. 2023110106

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17
18 In the interest of a prompt and speedy settlement of this matter, consistent with the public
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
20 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will
21 be submitted to the Board for approval and adoption as the final disposition of the Accusation
22 solely with respect to Alicia Lynn O'Dell.

23 **PARTIES**

24 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
25 (Board). She brought this action solely in her official capacity and is represented in this matter by
26 Rob Bonta, Attorney General of the State of California, by Christopher M. Young, Deputy
27 Attorney General.
28

1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7550, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician
4 Registration Number TCH 138528 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation she enables the Board to issue
6 an order accepting the surrender of her Pharmacy Technician Registration without further
7 process.

8 **CONTINGENCY**

9 10. This stipulation shall be subject to approval by the Board. Respondent understands
10 and agrees that counsel for Complainant and the staff of the Board may communicate directly
11 with the Board regarding this stipulation and surrender, without notice to or participation by
12 Respondent. By signing the stipulation, Respondent understands and agrees that she may not
13 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers
14 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
15 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
16 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
17 be disqualified from further action by having considered this matter.

18 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
20 thereto, shall have the same force and effect as the originals.

21 12. This Stipulated Surrender of License and Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
25 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
26 executed by an authorized representative of each of the parties.

27 13. In consideration of the foregoing admissions and stipulations, the parties agree that
28 the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Technician Registration Number TCH 138528, issued to Respondent Alicia Lynn O'Dell, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board her pocket license and, if one was issued, her wall certificate on or before the effective date of the Decision and Order.

4. If she ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 7550 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$2,448.75 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 7550 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent may not apply, reapply, or petition for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
ALICIA LYNN O'DELL
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General

CHRISTOPHER M. YOUNG
Deputy Attorney General
Attorneys for Complainant


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Handwritten: *ACCEPTANCE UNITS yang*

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DATED: 12/1/23 
ALICIA LYNN O'DELL
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____ Respectfully submitted,
ROB BONTA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General

CHRISTOPHER M. YOUNG
Deputy Attorney General
Attorneys for Complainant
fax 415 703 5480

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ACCEPTANCE

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DATED: _____
ALICIA LYNN O'DELL
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: Dec. 1, 2023 _____ Respectfully submitted,
ROB BONTA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General
Christopher M. Young
CHRISTOPHER M. YOUNG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7550

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CHRISTOPHER M. YOUNG
Deputy Attorney General
4 State Bar No. 238532
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5 San Francisco, CA 94102-7004
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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7550

13 **ALICIA LYNN O'DELL**
14 **275 S. 21st St**
San Jose, CA 95116

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 138528**

17 Respondents.

18
19 **PARTIES**

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

22 2. On or about April 3, 2014, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 138528 to Alicia Lynn O'Dell (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on August 31, 2025, 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, subdivision (a), states, "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 of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of

1 the Government Code. The authority to proceed as provided by this subdivision shall
2 be in addition to the board's authority to proceed under Section 4339 or any other
3 provision of law.

4 **STATUTORY PROVISIONS**

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

8 8. Code section 493 states:

9 (a) Notwithstanding any other law, in a proceeding conducted by a board within
10 the department pursuant to law to deny an application for a license or to suspend or
11 revoke a license or otherwise take disciplinary action against a person who holds a
12 license, upon the ground that the applicant or the licensee has been convicted of a crime
13 substantially related to the qualifications, functions, and duties of the licensee in
14 question, the record of conviction of the crime shall be conclusive evidence of the fact
15 that the conviction occurred, but only of that fact.

16 (b) (1) Criteria for determining whether a crime is substantially related to the
17 qualifications, functions, or duties of the business or profession the board regulates
18 shall include all of the following:

19 (A) The nature and gravity of the offense.

20 (B) The number of years elapsed since the date of the offense.

21 (C) The nature and duties of the profession.

22 (2) A board shall not categorically bar an applicant based solely on the type
23 of conviction without considering evidence of rehabilitation.

24 (c) As used in this section, "license" includes "certificate," "permit," "authority,"
25 and "registration."

26 ...

27 (e) This section shall become operative on July 1, 2020.

28 9. Code section 4301 states:

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

...

(h) The administering to oneself, of any controlled substance, or the use of any
dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous
or injurious to oneself, to a person holding a license under this chapter, or to any other

1 person or to the public, or to the extent that the use impairs the ability of the person to
2 conduct with safety to the public the practice authorized by the license.

3 ...

4 (k) The conviction of more than one misdemeanor or any felony involving the
5 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
6 or any combination of those substances.

7 (l) The conviction of a crime substantially related to the qualifications, functions,
8 and duties of a licensee under this chapter. The record of conviction of a violation of
9 Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
10 regulating controlled substances or of a violation of the statutes of this state regulating
11 controlled substances or dangerous drugs shall be conclusive evidence of

12 unprofessional conduct. In all other cases, the record of conviction shall be conclusive
13 evidence only of the fact that the conviction occurred. The board may inquire into the
14 circumstances surrounding the commission of the crime, in order to fix the degree of
15 discipline or, in the case of a conviction not involving controlled substances or
16 dangerous drugs, to determine if the conviction is of an offense substantially related to
17 the qualifications, functions, and duties of a licensee under this chapter. A plea or
18 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a
19 conviction within the meaning of this provision. The board may take action when the
20 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
21 or when an order granting probation is made suspending the imposition of sentence,
22 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
23 person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
24 aside the verdict of guilty, or dismissing the accusation, information, or indictment.

25

26 **REGULATORY PROVISIONS**

27 10. California Code of Regulations, title 16, section 1770, states:

28 (a) For the purpose of denial, suspension, or revocation of a personal or facility
license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
Business and Professions Code, a crime, professional misconduct, or act shall be
considered substantially related to the qualifications, functions or duties of the
practice, profession, or occupation that may be performed under the license type
sought or held if to a substantial degree it evidences present or potential unfitness of

an applicant or licensee to perform the functions authorized by the license in a
manner consistent with the public health, safety, or welfare.

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

(1) The nature and gravity of the offense;

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

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

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

5 ...

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

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 licentiate 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 licentiate 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 **FIRST CAUSE FOR DISCIPLINE**

16 **(May 20, 2022 Criminal Conviction for DUI on March 19, 2022)**

17 12. Respondent has subjected her pharmacy technician registration to disciplinary action
18 under Code sections 490 and 4301, subdivision (I), because she was convicted of a crime that is
19 substantially related to the qualifications, functions, and duties of a licensee. On May 20, 2022,
20 in a criminal proceeding entitled *The People of the State of California v. Alicia Lynn O'Dell*, in
21 Santa Clara County Superior Court, Case Number C2205699, Respondent pled no contest and
22 was convicted of driving under the influence of alcohol (DUI) Blood Alcohol Content (BAC)
23 over 0.08% (Veh. Code, § 23152, subd. (b)), including an enhancement for having a BAC greater
24 than 0.15%, and an enhancement for a prior DUI conviction. The court sentenced Respondent to
25 40 days in county jail and placed Respondent on summary probation for four years. Respondent
26 was ordered to enroll in and complete a Multiple Offender Alcohol program, to install an ignition
27 interlock device for a period of one year, and to pay court fines.

28 13. The circumstances that led to the May 20, 2022, conviction are that on March 19,
2022, at approximately 9:28 p.m., a CHP officer responded to a freeway traffic collision that had

1 just occurred. The officer observed a vehicle positioned sideways, blocking the lanes of the
2 freeway, with the driver door open, and the engine running. The officer also observed
3 Respondent walking away from the scene in the freeway's center divider. The officer brought
4 Respondent back to the crash scene, and observed objective symptoms of alcohol intoxication.
5 Respondent gave the officer a false name and false date of birth, and claimed that she did not
6 have her driver's license with her. During the investigation, Respondent called her boyfriend,
7 who agreed to talk to the CHP officer. Respondent's boyfriend gave the CHP officer
8 Respondent's true name. Respondent's boyfriend then came to the scene of the accident, and
9 identified the car in the middle of the freeway as belonging to Respondent. During the
10 investigation, Respondent failed to perform field sobriety tests in accordance with instructions.
11 Respondent consented to preliminary alcohol screening tests, which revealed Respondent had a
12 BAC of 0.192% (test taken at 10:32 p.m.) and 0.242% (test taken at 10:34 p.m.). Respondent was
13 placed under arrest. Following her arrest, Respondent submitted to two additional chemical
14 breath tests (at 11:18 p.m. and 11:23 p.m. the same night), which both revealed a BAC of 0.25%.

SECOND CAUSE FOR DISCIPLINE

(Multiple Alcohol-Related Criminal Convictions)

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17 14. Respondent has further subjected her pharmacy technician registration to disciplinary
18 action under Code section 4301, subdivision (k), for unprofessional conduct, because on May 20,
19 2022, as more fully set forth in paragraphs 12 and 13, above; and on June 27, 2014, as more fully
20 set forth in paragraph 16, below, incorporated herein by this reference, Respondent was convicted
21 of multiple misdemeanors involving the consumption of alcoholic beverages.

THIRD CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

22
23
24 15. Respondent has further subjected her pharmacy technician registration to disciplinary
25 action under Code section 4301, subdivision (h), for unprofessional conduct, because on March
26 19, 2022, as more fully set forth in paragraphs 12 and 13, above; and on May 13, 2014, as more
27 fully set forth in paragraph 16, below, incorporated herein by this reference, Respondent used
28 alcoholic beverages to an extent or in a manner that was dangerous and injurious to herself and

1 the public when she operated a motor vehicle while impaired by alcohol.

2 **DISCIPLINARY CONSIDERATIONS**

3 16. To determine the degree of discipline, if any, to be imposed on Respondent Alicia
4 Lynn O'Dell, Complainant alleges the following:

5 a. On June 27, 2014, in a criminal proceeding entitled *The People of the State of*
6 *California v. Alicia Lynn O'Dell*, in Santa Clara County Superior Court, Case Number C148615,
7 Respondent was convicted of driving a vehicle while having BAC of 0.08 percent and more (Veh.
8 Code, § 23152, subd. (b)), a misdemeanor. Respondent had a BAC of 0.13%.

9 b. As a result of Respondent's June 27, 2014, conviction, the Board issued
10 Respondent a citation on or about August 25, 2014, and a fine in the amount of \$250.
11 Respondent did not contest the citation and paid the citation in full in resolution of the matter.

12 **OTHER MATTERS**

13 17. Pursuant to Code section 4307, if discipline is imposed on Respondent's Pharmacy
14 Technician Registration No. TCH 138528, Respondent shall be prohibited from serving as a
15 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
16 five years if Respondent Pharmacy Technician Registration No. TCH 138528 is placed on
17 probation, or until reinstatement if Pharmacy Technician Registration No. TCH 138528 is
18 revoked.

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Technician Registration Number TCH 138528,
23 issued to Alicia Lynn O'Dell;

24 2. Ordering Alicia Lynn O'Dell to pay the Board of Pharmacy the reasonable costs of
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3;

27 3. Prohibiting Alicia Lynn O'Dell from serving as a manager, administrator, owner,
28 member, officer, director, associate, or partner of a licensee for five years if Respondent

1 Pharmacy Technician Registration No. TCH 138528 is placed on probation, or until reinstatement
2 if Pharmacy Technician Registration No. TCH 138528 is revoked.

3 4. Taking such other and further action as deemed necessary and proper.
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DATED: 8/31/2023

Sodergren,
Anne@DCA



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

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