

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

In the Matter of the First Amended Accusation
Against:

CHELSEA ELIZABETH CUMMINGS
P O Box 1482
Chester CA 96020

**Pharmacy Technician Registration No. TCH
135729**

Respondent.

Case No. 6034

OAH No. 2017040513

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 April 26, 2018.

It is so ORDERED on March 27, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President.

1 XAVIER BECERRA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 PATRICIA WEBBER HEIM
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation
12 Against:

13 **CHELSEA ELIZABETH CUMMINGS**
14 **P O Box 1482**
Chester CA 96020

15 **Pharmacy Technician Registration No. TCH**
135729

16 Respondent.

Case No. 6034

OAH No. 2017040513

STIPULATED SURRENDER OF
LICENSE AND ORDER

17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Xavier Becerra, Attorney General of the State of California, by Patricia Webber Heim, Deputy
24 Attorney General.

25 2. Chelsea Elizabeth Cummings (Respondent) is represented in this proceeding by
26 attorney Paul Chan, Esq., whose address is 2311 Capitol Avenue, Sacramento, CA 95816-5812.

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1 CULPABILITY

2 8. Respondent understands and agrees that the charges and allegations in First Amended
3 Accusation No. 6034, if proven at a hearing, constitute cause for imposing discipline upon her
4 Pharmacy Technician Registration License No. 135729. Respondent hereby gives up her right to
5 contest those charges.

6 9. For the purpose of resolving the First Amended Accusation without the expense and
7 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
8 establish a factual basis for the charges in the Accusation and that those charges constitute cause
9 for discipline. Respondent hereby gives up her right to contest that cause for discipline exists
10 based on those charges.

11 10. Respondent understands that by signing this stipulation she enables the Board to issue
12 an order accepting the surrender of her Pharmacy Technician Registration without further
13 process.

14 CONTINGENCY

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

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

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

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

9 **ORDER**

10 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 135729,
11 issued to Respondent Chelsea Elizabeth Cummings, is surrendered and accepted by the Board of
12 Pharmacy.

13 1. Respondent surrenders pharmacy technician license number 135729 as of the
14 effective date of this decision. Respondent shall relinquish her pharmacy technician license to the
15 Board within ten (10) days of the effective date of this decision.

16 2. The surrender of Respondent's license and the acceptance of the surrendered license
17 by the Board shall constitute the imposition of discipline against Respondent. This decision
18 constitutes a record of discipline and shall become a part of Respondent's license history with the
19 Board.

20 3. Respondent understands and agrees that if she ever files an application for licensure
21 or a petition for reinstatement in the State of California, the Board shall treat it as a new
22 application for licensure.

23 4. Respondent may not apply for any license, permit, or registration from the Board for
24 three (3) years from the effective date of this decision. Respondent stipulates that should she
25 apply for any license from the Board on or after the effective date of this decision, all allegations
26 set forth in the First Amended Accusation shall be deemed to be true, correct and admitted by
27 Respondent when the Board determines whether to grant or deny the application. Respondent
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1 shall satisfy all requirements applicable to that license as of the date the application is submitted
 2 to the Board, including, but not limited to certification by a nationally recognized body prior to
 3 the issuance of a new license. Respondent is required to report this surrender as a disciplinary
 4 action.

5 5. Respondent further stipulates that should she apply for any license from the Board on
 6 or after the effective date of this decision, investigation and prosecution costs in the amount of
 7 \$16,937.50 shall be paid to the Board prior to issuance of the license.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Surrender of License and Order and have fully
 10 discussed it with my attorney, Paul Chan, Esq. I understand the stipulation and the effect it will
 11 have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License
 12 and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
 13 Order of the Board of Pharmacy.

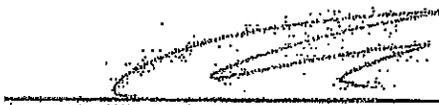
14
 15 DATED: 2.26.18



16 CHELSEA ELIZABETH CUMMINGS
 17 Respondent

18 I have read and fully discussed with Respondent Chelsea Elizabeth Cummings the terms
 19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
 20 approve its form and content.

21 DATED: 7.26.18



22 PAUL CHAN, ESQ.
 23 Attorney for Respondent

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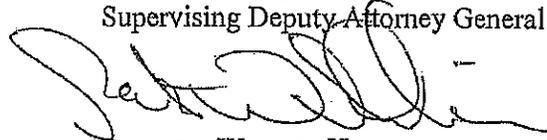
ENDORSEMENT

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: 2/26/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General



PATRICIA WEBBER HEIM
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 6034

1 XAVIER BECERRA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 PATRICIA WEBBER HEIM
Deputy Attorney General
4 State Bar No. 230889
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5 P.O. Box 944255
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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. 6034

13 **CHELSEA ELIZABETH CUMMINGS**
P.O. Box 1482
Chester, CA 96020

FIRST AMENDED ACCUSATION

14 **Pharmacy Technician Registration No. TCH**
15 **135729**

16 Respondent.

17
18 Virginia Herold (Complainant) alleges:

19 **PARTIES**

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

22 2. On or about October 16, 2013, the Board issued Pharmacy Technician Registration
23 Number TCH 135729 to Chelsea Elizabeth Cummings (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 expired on February 28, 2017, unless renewed.

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1 JURISDICTION

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

5 4. Business and Professions Code ("Code") section 4300 states, in pertinent part:

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
guilty, by any of the following methods:

9 (1) Suspending judgment.

10 (2) Placing him or her upon probation.

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

12 (4) Revoking his or her license.

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

15 5. Code section 4300.1 states:

16 The expiration, cancellation, forfeiture, or suspension of a board-issued
17 license by operation of law or by order or decision of the board or a court of law, the
18 placement of a license on a retired status, or the voluntary surrender of a license by
19 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.

20 STATUTORY PROVISIONS

21 6. Code section 4301 states, in pertinent part:

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

25 . . .

26 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
27 deceit, or corruption, whether the act is committed in the course of relations as a
licensee or otherwise, and whether the act is a felony or misdemeanor or not.

28 . . .

1 **COST RECOVERY**

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

8 **FACTUAL ALLEGATIONS**

9 8. At all times alleged herein, Respondent was a student at California State University,
10 Chico, and a Registered Pharmacy Technician. Respondent was employed in her licensed
11 capacity by CVS Pharmacy (CVS), located at 1120 Forest Avenue, Chico, CA 95928.

12 9. On or about January 17, 2014, the Board's enforcement manager received a telephone
13 call from a California State University, Chico (Chico State) police lieutenant, who reported that
14 she was investigating Respondent. The lieutenant was concerned that Respondent used her
15 position as a pharmacy technician to access phone numbers in order to harass a significant
16 number of people, including fellow students and their parents.

17 10. A Chico State Police Department investigation revealed information to substantiate
18 that from October 2013, through at least 2014, Respondent harassed and threatened fellow Chico
19 State students and their parents by sending unwanted and threatening text messages, Facebook
20 messages, and email.

21 11. On or about October 28, 2013, the Butte County Superior Court, case numbers
22 160447 and 160448, granted CH and LG temporary restraining orders (TRO) against Respondent.
23 The TRO's ordered that Respondent must not harass, contact, or come within 100 yards of CH
24 and LG. The TRO's expired on November 18, 2013.

25 12. On or about November 5, 2013, CH and LG called the police and made a report that
26 Respondent violated the TROs.

27 13. On or about November 18, 2013, the Butte County Superior Court, case numbers
28 160447 and 160448, granted civil harassment restraining orders (RO) to CH and LG, ordering

1 that Respondent she must not harass, contact, or come within 100 yards of CH and LG.. The
2 orders expired January 3, 2014.

3 14. On or about December 3, 2013, CH called the police and made a report that
4 Respondent violated the RO's.

5 15. On or about January 28, 2014, the Butte County Superior Court, case numbers
6 160447 and 160448, granted civil harassment RO's to CH and LG, ordering that Respondent
7 must not harass, contact, or come within 100 yards of CH and LG. The orders expired March 28,
8 2014.

9 16. On or about September 3, 2014, Chico State issued findings regarding a campus
10 Level I complaint pursuant to Executive Order (EO) 1074,¹ filed by victims CH and LG against
11 Respondent. The complaints alleged that CH and LG were subjected to threats, harassment, and
12 retaliation by Respondent, in the form of phone calls, texts, and emails, and that Respondent
13 stalked and threatened CH and LG's life and property, on or about and between October 2013,
14 and February 2014, specifically. Based on a preponderance of the evidence, the Chico State
15 investigation found that Respondent harassed and retaliated against CH, LG, and other Chico
16 State students in violation of EO 1074. Through review of relevant documents, analysis of
17 witness statements, and a review of patterns of behavior, the investigators also concluded that the
18 allegations and evidence put forth by Respondent against CH, LG, and other Chico State students
19 did not meet the burden of proof.

20 17. On or about August 4, 2015, CH received a letter from Chico State informing him
21 that Respondent was expelled from Chico State as a result of the EO 1074 investigation and its
22 findings.

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27 ¹ EO 1074 is a system-wide university policy prohibiting discrimination, harassment, and
28 retaliation against students, and a system-wide procedure for handling discrimination, harassment,
and retaliation complaints by students.

1 FIRST CAUSE FOR DISCIPLINE

2 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

3 18. Respondent is subject to discipline pursuant to Code section 4301(f), on the grounds
4 of unprofessional conduct, in that she committed acts involving dishonesty, fraud, deceit, and/or
5 corruption, as more particularly set forth above in paragraphs 8-17.

6 PRAYER

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

- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 135729,
10 issued to Chelsea Elizabeth Cummings;
- 11 2. Ordering Chelsea Elizabeth Cummings to pay the Board of Pharmacy the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

15
16
17
18 DATED: _____

11/18/18

Virginia Herold

19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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1 XAVIER BHCERRA
Attorney General of California
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15 **135729**
16 Respondent.

Case No. 6034

A C C U S A T I O N

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12 9. On or about January 17, 2014, the Board's enforcement manager received a telephone
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14 The lieutenant was concerned that Respondent used her position as a pharmacy technician to
15 access phone numbers in order to harass a significant number of people, including fellow students
16 and their parents.

17 10. A Chico State Police Department investigation revealed information to substantiate
18 that from October 2013, through at least 2014, Respondent harassed and threatened fellow Chico
19 State students and their parents by sending unwanted and threatening text messages, Facebook
20 messages, and email.

21 11. An Executive Order (EO) 1074 investigation of complaints that Respondent harassed
22 fellow students revealed information to substantiate that from October 2013, through at least
23 2014, Respondent harassed and threatened fellow Chico State students. EO 1074 is a system-
24 wide university policy prohibiting discrimination, harassment, and retaliation against students,
25 and a system-wide procedure for handling discrimination, harassment, and retaliation complaints
26 by students. At the conclusion of the EO 1074 investigation, Chico State officials found
27 Respondent in violation of the prohibition against discrimination, harassment, and retaliation of
28 fellow students.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

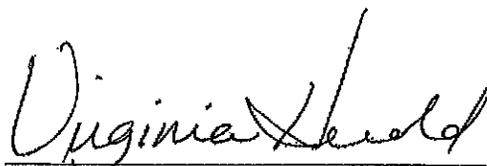
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- 9 1. Revoking or suspending Pharmacy Technician Registration Number TCH 135729,
10 issued to Chelsea Elizabeth Cummings
- 11 2. Ordering Chelsea Elizabeth Cummings to pay the Board of Pharmacy the reasonable
12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
13 Code section 125.3; and,
- 14 3. Taking such other and further action as deemed necessary and proper.

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18 DATED: 3/8/17


19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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