

**BEFORE THE INDIANA  
BOARD OF PHARMACY  
CAUSE NUMBER: 2012 IBP 0083**

**IN THE MATTER OF THE INDIANA )  
PHARMACY TECHNICIAN )  
CERTIFICATION OF: )  
DANYEL MAREE FRANKLIN, C.PH.T. )  
CERTIFICATION NUMBER: 67016073A. )**



**FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER**

The Indiana Board of Pharmacy (“Board”) held an administrative hearing on April 8, 2013, in Room W064 of the Indiana State Government Center South, 402 West Washington Street, Indianapolis, Indiana 46204, concerning an Administrative Complaint (“Complaint”) filed against Danyel Maree Franklin, C.Ph.T. (“Respondent”), on February 8, 2013.

The State of Indiana (“Petitioner”) was represented by Darren R. Covington, Deputy Attorney General. Respondent did not appear in person or by counsel.

The Board, after considering the evidence presented and taking official notice of its file in this matter, by a vote of 6-0-0, finds Respondent to be in default. The Board, by another vote of 6-0-0, issues the following Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. Respondent’s address on file with the Indiana Professional Licensing Agency (“IPLA”) is 1359 Kappes Street, Indianapolis, Indiana 46221.
2. Respondent is a certified pharmacy technician in the State of Indiana having been issued certification number 67016073A on July 20, 2009.

3. On or around May 1, 2012, Respondent was charged in Marion County, Indiana Superior Court with Conspiracy to Commit Dealing in Cocaine, a Class B Felony; Dealing in Cocaine, a Class B Felony; and, Possession of Cocaine, a Class D Felony; under Cause Number 49G20-1204-FB-025407.

4. According to the Probable Cause Affidavit, on or around September 28, 2011, an Undercover Detective and a Confidential Informant purchased crack cocaine from a black male known as "G," later identified as Sidney Galloway.

5. Respondent drove "G" to the location of the buy. Respondent remained in the car while the buy took place. Respondent witnessed the buy take place. Respondent told the Undercover Detective that she could call "G" anytime and asked where the Undercover Detective would like to meet "G" the next time. Respondent drove "G" away after the buy was completed.

6. On or around October 1, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's license for ninety days.

7. On or around December 10, 2012, the Indiana Board of Pharmacy summarily suspended Respondent's certification for an additional ninety days.

8. On or around January 14, 2013, Respondent pled guilty to Maintaining a Common Nuisance, a Class D Felony. Judgment of conviction was entered as a Class A Misdemeanor. Respondent received a 180 day suspended sentence and 180 days probation.

9. A Complaint was filed by the Petitioner against Respondent on February 8, 2013.

10. On February 18, 2013, IPLA sent a hearing notice by to Respondent at her listed address informing her of the date, time and place of the administrative hearing on the Complaint scheduled for March 11, 2013, at 2:00 p.m. On this date, Respondent's address of record was 1359 Kappes Street, Indianapolis, Indiana 46221.

11. Pursuant to Ind. Code § 4-21.5-3-20, Respondent was provided adequate notice of the hearing and Respondent failed to appear for the scheduled hearing in person or by counsel on March 11, 2013.

12. On March 11, 2013, the Board voted 5-0-0, to issue a Notice of Proposed Default Order. On March 22, 2013, the Notice of Proposed Default Order was mailed to Respondent's address of record.

13. Respondent failed to submit a written response within seven (7) days as required by Ind. Code § 4-21.5-3-24.

14. On April 8, 2013, the Board voted 6-0-0 to hold Respondent in default.

#### **ULTIMATE FINDINGS OF FACT**

Respondent violated Ind. Code § 25-1-9-4(a)(2)(B) in that Respondent has been convicted of a crime that is harmful to the public as evidenced by her guilty plea to Maintaining a Common Nuisance.

#### **CONCLUSIONS OF LAW**

Respondent's violations are cause for disciplinary sanctions which may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or revocation and a fine up to the amount of \$1,000 per violation as detailed in Ind. Code § 25-1-11-12.

**ORDER**

Based upon the above Findings of Fact, Ultimate Findings of Fact, and Conclusions of Law, the Board issues the following Order:

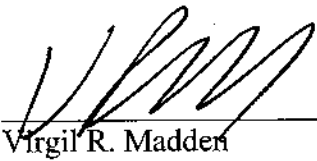
1. Respondent's certification is **REVOKED**.
2. Within thirty (30) days of the date of this Order, pursuant to Ind. Code § 4-6-14-10(b), Respondent shall pay a fee of Five Dollars (\$5.00) to be deposited into the Health Records and Personal Identifying Information Protection Trust Fund. This fee shall be paid by check or money order payable to the State of Indiana, and submitted to the following address:

Indiana Office of the Attorney General  
ATTN: Katherine Lee  
302 W. Washington St., 5<sup>th</sup> Floor  
Indianapolis, IN 46204

**ORDERED**, this 18 day of April, 2013.

INDIANA BOARD OF PHARMACY

By: \_\_\_\_\_

  
Virgil R. Madden  
Executive Director  
Indiana Professional Licensing Agency

**CERTIFICATE OF SERVICE**

I certify that a copy of the "Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order" has been duly served upon:

Danyel Franklin  
1359 Kappes St.  
Indianapolis, IN 46221  
**Service by U.S. Mail**

Danyel Franklin  
4510 Candletree Cir., Apt. 14  
Indianapolis, IN 46254  
**Service by U.S. Mail**

Darren R. Covington, Deputy Attorney General  
Office of the Indiana Attorney General  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, IN 46204  
**Service by Email**

4/18/13  
Date

Jackie Day  
Jackie Day

Indiana Board of Pharmacy  
Indiana Government Center South  
402 West Washington St., Room W072  
Indianapolis, IN 46204  
Phone: 317-234-2067  
Fax: 317-233-4236  
Email: pla4@pla.in.gov

**Explanation of Service Methods**

**Personal Service:** by delivering a true copy of the aforesaid document(s) personally.

**Service by U.S. Mail:** by serving a true copy of the aforesaid document(s) by First Class U.S. Mail, postage prepaid.

**Service by Email:** by sending a true copy of the aforesaid document(s) to the individual's electronic mail address.