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8 Attorneys for Complainant

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

12 In the Matter of the Statement of Issues Against:

Case No. 3098

13 AARON M. KETTERING
14 31200 Landau Blvd., #1208
Cathedral City, CA 92234

STATEMENT OF ISSUES

15
16 Respondent.

17
18 Complainant alleges:

19 PARTIES

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

23 2. On or about June 19, 2006, the Board received an application for a
24 Pharmacy Technician Registration from Aaron M. Kettering (Respondent). On or about May 30,
25 2006, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
26 and representations in the application. The Board denied the application on December 27, 2006.

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JURISDICTION

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2 3. This Statement of Issues is brought before the Board under the authority of
3 the following laws. All section references are to the Business and Professions Code unless
4 otherwise indicated.

5 4. Section 475 of the Code states:

6 (a) Notwithstanding any other provisions of this code, the provisions of
7 this division shall govern the denial of licenses on the grounds of:

8

9 (4) Commission of any act which, if done by a licentiate of the
10 business or profession in question, would be grounds for suspension or revocation
11 of license.

12 5. Section 480 states, in pertinent part:

13 (a) A board may deny a license regulated by this code on the grounds that
14 the applicant has one of the following:

15

16 (3) Done any act which if done by a licentiate of the business or
17 profession in question, would be grounds for suspension or revocation of license.

18 The board may deny a license pursuant to this subdivision only if the
19 crime or act is substantially related to the qualifications, functions or duties of the
20 business or profession for which application is made.

21 6. California Code of Regulations, title 16, section 1770 states:

22 For the purpose of denial, suspension, or revocation of a personal or
23 facility license pursuant to Division 1.5 (commencing with Section 475) of the
24 Business and Professions Code, a crime or act shall be considered substantially
25 related to the qualifications, functions or duties of a licensee or registrant if to a
26 substantial degree it evidences present or potential unfitness of a licensee or
27 registrant to perform the functions authorized by his license or registration in a
28 manner consistent with the public health, safety, or welfare.

29 7. California Code of Regulations, title 16, section 1769 states:

30 (a) When considering the denial of a facility or personal license under
31 Section 480 of the Business and Professions Code, the board, in evaluating the
32 rehabilitation of the applicant and his present eligibility for licensing or
33 registration, will consider the following criteria:

1 (1) The nature and severity of the act(s) or offense(s) under
consideration as grounds for denial.

2 (2) Evidence of any act(s) committed subsequent to the act(s) or
3 crime(s) under consideration as grounds for denial under Section 480 of the
Business and Professions Code.

4 (3) The time that has elapsed since commission of the act(s) or
5 crime(s) referred to in subdivision (1) or (2).

6 (4) Whether the applicant has complied with any terms of parole,
7 probation, restitution or any other sanctions lawfully imposed against the
applicant.

8 (5) Evidence, if any, of rehabilitation submitted by the applicant.

9

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(Commission of an Act, Which if Done by a Licentiate,
12 Would be Grounds for Revocation of License)**

13 8. Respondent's application is subject to denial under section 480,
14 subdivision (a)(3) of the Code in that Respondent committed an act, which if done by a licentiate,
15 would be grounds for revocation of a pharmacy technician registration. The circumstances are as
16 follows:

17 a. On or about June 4, 1996, a petition was filed in a juvenile
18 proceeding entitled *In re Aaron Michael Kettering*, Riverside County Superior Court case
19 number IJ8741, alleging Respondent committed a violation of Penal Code section 187, murder,
20 and that during the commission of the murder, a principal was armed with a handgun, within the
21 meaning of Penal Code section 12022, subdivision (a)(1). Respondent admitted the allegations
22 at a hearing on or about August 6, 1996.

23 b. On or about August 28, 1996, Respondent was committed to the
24 custody of the California Youth Authority. Respondent was released from custody on or about
25 June 4, 2003.

26 c. The facts that led to the commitment were that on or about April 4,
27 1996, 14-year-old Respondent, his older (minor) brother, and C., an adult male, were contacted
28 by the Riverside County Sheriff's Department during a vehicle stop. As a result of the vehicle

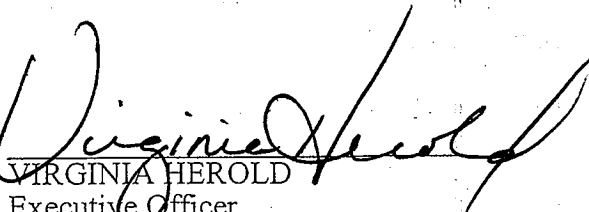
1 stop, C. received a citation, and the vehicle was impounded. A small caliber handgun found in
2 the vehicle was given to Respondent. The following day, April 5, 1996, Riverside County
3 Sheriff's Department investigators responded to a report of a home invasion robbery. The female
4 victim of the robbery described three males who fit the description of Respondent, his brother,
5 and C. Investigators went to C.'s address, which was the residence of a 60-year-male homicide
6 victim whose body had been found dumped three days earlier on April 2, 1996. The previously
7 impounded vehicle was registered to the victim. All three suspects were taken to the sheriff's
8 station for questioning. Respondent told investigators that on March 30, 1996, he, his brother,
9 and C. were at the victim's house. The victim returned home from work and went to the master
10 bedroom. A short time later, Respondent heard a loud bang. C. came into the living room and
11 told Respondent and his brother that he had just shot the victim. C. had Respondent and his
12 brother assist with the disposal of the body. After dumping the body, they returned to the
13 victim's house. C. took checks and credit cards belonging to the victim. In the days following
14 the murder, they used the victim's credit cards to purchase a new computer, stereo equipment,
15 electronics, clothing, CD's, shoes, watches, and other items. They also pawned some of the
16 victim's personal items at a pawn shop.

17 PRAYER

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

- 20 1. Denying the application of Aaron M. Kettering for a Pharmacy Technician
21 Registration;
- 22 2. Taking such other and further action as deemed necessary and proper.

23 DATED: 10/14/08

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25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

SD2007801591