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1 2 3 4 5 6 7 8	EDMUND G. BROWN JR. Attorney General of California KAREN B. CHAPPELLE Supervising Deputy Attorney General BRIAN G. WALSH Deputy Attorney General State Bar No. 207621 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2535 Facsimile: (213) 897-2804 Attorneys for Complainant BEFORE THE BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Statement of Issues Case No. 3283
12	Against:
13	EVAN ROGER RICHARDSON 2986 Avenida Simi STATEMENT OF ISSUES
14	Simi Valley, CA 93063 Pharmacy Technician Applicant
15	Respondent.
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17	Complainant alleges:
18	PARTIES
19	1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21	2. On or about October 30, 2007, the Board of Pharmacy (Board) received an
22	Application for Registration as a Pharmacy Technician from Evan Roger Richardson
23	(Respondent). On or about September 19, 2007, Evan Roger Richardson certified under penalty
24	of perjury to the truthfulness of all statements, answers, and representations in the application.
25	The Board denied the application on May 30, 2008.
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JURISDICTION

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

STATUTORY PROVISIONS

- 4. Section 480 states, in pertinent part:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
 - "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.
 - "(3)(A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
 - "(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made."
- 5. Section 490 provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued..

CONTROLLED SUBSTANCE CLASSIFICATION INFORMATION

6. Marijuana is classified as a Schedule I controlled substance Health and Safety Code section 11054, subdivision (d)(13).

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FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Substantially-Related 5Crime)

7. Respondent's application is subject to denial under section 480, subdivisions (a)(1), and (a)(3)(B), as a result of Respondent's conviction of a crime that is substantially related to the qualifications, functions, and duties of a pharmacy technician. On or about February 22, 2006, after pleading no contest, Respondent was convicted of one misdemeanor count of violating Vehicle Code section 23222, subdivision (b) [possession of marijuana while driving], and one misdemeanor count of violating Vehicle Code section 23103.5 [reckless driving], in the criminal proceeding entitled *The People of the State of California v. Evan Roger Richardson* (Super. Ct. Santa Barbara County, 2006, No. 1207799). Respondent received a suspended sentence of 90 days in jail, was placed on probation for three years, and had his driver's license suspended for one year.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Committing Acts That Would Result in License Suspension or Revocation)

- 8. Respondent's application is subject to denial under section 480, subdivision (a)(3), in conjunction with section 4300, and section 4301, subdivision (l), as a result of Respondent's conviction of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician, which would result in license suspension or revocation in the case of a Respondent who was already licensed as pharmacy technician. Complainant refers to and incorporates all the allegations contained in paragraph 6, as though set forth fully.
- 9. Respondent's application is subject to denial under section 480, subdivision (a)(3), in conjunction with section 4300, and section 4301, subdivision (h), as a result of Respondent's use of marijuana, a dangerous drug, in a manner dangerous to himself and others, which would result in license suspension or revocation in the case of a Respondent who was already licensed as pharmacy technician. Complainant refers to and incorporates all the allegations contained in paragraph 7, as though set forth fully.

PRAYER WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision: Denying Respondent's Application for Registration as a Pharmacy Technician; and 1. Taking such other and further action as deemed necessary and proper. 2. DATED: 10/28/09 Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2009602828

STATEMENT OF ISSUES