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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. 3371

13 YVONNE ANNE DIXSON
82-640 Miles Avenue #7
14 Indio, CA 92201

STATEMENT OF ISSUES

Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Complainant Virginia Herold brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On July 2, 2008, the Board received an Application for Registration as a
21 Pharmacy Technician from Respondent Yvonne Anne Dixon. On May 15, 2008, Respondent
22 certified under penalty of perjury to the truthfulness of all statements, answers, and
23 representations in the application. The Board denied the application on January 7, 2009. The
24 Board received Respondent's request for an administrative hearing on February 18, 2009.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Pharmacy, Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

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

(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

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.

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

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

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

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

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

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

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(October 16, 1995 Criminal Conviction for Theft)**

11 7. Respondent's application is subject to denial under section 480, subdivision (a)(1)
12 of the Code in that she was convicted of a crime that is substantially related to the qualifications,
13 duties, and functions of a pharmacy technician. The circumstances are as follows:

14 a. On October 16, 1995, in a criminal proceeding entitled *The State of*
15 *Arizona v. Yvonne Anne Dixon*, in Navajo County Superior Court, case number CR95000383,
16 Respondent was convicted on her plea of guilty of violating Arizona Revised Statutes 13-1802,
17 theft, passing bad checks, a Class 6 designated felony.

18 b. As a result of the conviction, on November 6, 1995, Respondent was
19 sentenced to 90 days in the Navajo County Jail; three years probation; payment of probation
20 service fees; and standard terms of probation. Respondent was further ordered to not use or
21 possess any marijuana, dangerous drugs, or narcotics except those prescribed by a physician; not
22 to drink any intoxicating liquors; to submit to searches of her person and property by any
23 probation officer; and to perform 200 hours of community service. On January 3, January 18,
24 and January 31, 1996, Respondent tested positive for the presence of THC/Marijuana. On
25 February 6, 1996, Respondent's probation officer filed a petition to revoke probation and the
26 court issued an order for an arrest warrant. Due to Respondent's incarceration detailed in
27 paragraph 9, below, the warrant was quashed for lack of prosecution on September 17, 2002.

28 c. The facts that led to the conviction were that between November 8, 1994,
29 and December 4, 1994, Respondent knowingly defrauded two Winslow, Arizona grocery stores
30 out of currency and goods by passing 22 checks on a closed checking account.

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