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1	Edmund G. Brown Jr.		
_	Attorney General of California		
2	JAMES M. LEDAKIS Supervising Deputy Attorney General		
, 3	CARL W. SONNE Deputy Attorney General		
. 4	State Bar No. 116253 110 West "A" Street, Suite 1100		
5	San Diego, CA 92101 P.O. Box 85266		
6	San Diego, CA 92186-5266 Telephone: (619) 645-3164		
7	Facsimile: (619) 645-2061 Attorneys for Complainant		
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.9	BEFORE THE BOARD OF PHARMACY		
10	DEPARTMENT OF (	CONSUMER AFFAIRS	
11		CALIFORNIA	
12	In the Matter of the Statement of Issues	Case No. 3449	
13	Against:		
14	BONNIE YVONNE VELAZQUEZ 2844 D Avenue	STATEMENT OF ISSUES	
15	National City, CA 91950		
16	Respondent.		
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18	Complainant alleges:		
19		RTIES	
20		gs this Statement of Issues solely in her official	
21		capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
22	2. On or about April 30, 2008, the Board of Pharmacy, Department of Consumer Affairs		
23	received an application for a pharmacy technician license from Bonnie Yvonne Velazquez		
24	(Respondent). On or about April 24, 2008, Bonnie Yvonne Velazquez certified under penalty of		
25	perjury to the truthfulness of all statements, answers, and representations in the application. The		
26	Board denied the application on March 5, 2009.		
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		STATEMENT OF ISSUES	

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JURISDICTION		
3. This Statement of Issues is brought before the Board of Pharmacy (Board),		
Department of Consumer Affairs, under the authority of the following laws. All section		
references are to the Business and Professions Code unless otherwise indicated.		
4. Section 480 of the Code states:		
"(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.		
"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially		
benefit himself or herself or another, or substantially injure another.		
"(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.		
"(b) Notwithstanding any other provision of this code, no person shall be denied a license		
solely on the basis that he or she has been convicted of a felony if he or she has obtained a		
certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of		
Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has		
met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate		
the rehabilitation of a person when considering the denial of a license under subdivision (a) of		
Section 482.		
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STATEMENT OF ISSUES

1	"(c) A board may deny a license regulated by this code on the ground that the applicant
2	knowingly made a false statement of fact required to be revealed in the application for the
3	license."
4	5. Section 482 of the Code states:
5	"Each board under the provisions of this code shall develop criteria to evaluate the
6	rehabilitation of a person when:
7	"(a) Considering the denial of a license by the board under Section 480; or
8	"(b) Considering suspension or revocation of a license under Section 490.
9	"Each board shall take into account all competent evidence of rehabilitation furnished by
10	the applicant or licensee."
11	6. Section 4301 of the Code states:
12	"The board shall take action against any holder of a license who is guilty of unprofessional
13	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
14	Unprofessional conduct shall include, but is not limited to, any of the following:
15	"····
16	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
17	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
18	whether the act is a felony or misdemeanor or not.
19	"(g) Knowingly making or signing any certificate or other document that falsely represents
20	the existence or nonexistence of a state of facts.
21	"(1) The conviction of a crime substantially related to the qualifications, functions, and
22 ,	duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
23	(commencing with Section 801) of Title 21 of the United States Code regulating controlled
24	substances or of a violation of the statutes of this state regulating controlled substances or
25	dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
26	record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
27	The board may inquire into the circumstances surrounding the commission of the crime, in order
28	to fix the degree of discipline or, in the case of a conviction not involving controlled substances

1	or dangerous drugs, to determine if the conviction is of an offense substantially related to the
2	qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
3	a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
4	of this provision. The board may take action when the time for appeal has elapsed, or the
5	judgment of conviction has been affirmed on appeal or when an order granting probation is made
6	suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
7	the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
8	guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
9	indictment.
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11	REGULATIONS
12	7. California Code of Regulations, title 16, section 1769, states:
13	"(a) When considering the denial of a facility or personal license under Section 480 of the
14	Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his
15	present eligibility for licensing or registration, will consider the following criteria:
16	"(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for
17	denial.
18	"(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
19	consideration as grounds for denial under Section 480 of the Business and Professions Code.
20	"(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in
21	subdivision (1) or (2).
22	"(4) Whether the applicant has complied with any terms of parole, probation, restitution or
23	any other sanctions lawfully imposed against the applicant.
24	"(5) Evidence, if any, of rehabilitation submitted by the applicant.
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	STATEMENT OF ISSUES

1	8. California Code of Regulations, title 16, section 1770, states:
2	"For the purpose of denial, suspension, or revocation of a personal or facility license
3	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
4	crime or act shall be considered substantially related to the qualifications, functions or duties of a
5	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
6	licensee or registrant to perform the functions authorized by his license or registration in a manner
7	consistent with the public health, safety, or welfare."
8	FIRST CAUSE FOR DENIAL OF APPLICATION
9	(July 1, 2005 Conviction for Battery on Emergency Personnel on June 28, 2005)
10	9. Respondent's application is subject to denial under section 480, subdivision (a)(1),
11	she has been convicted of a crime that is substantially related to the functions and duties of a
. 12	pharmacy technician. The circumstances are as follows.
13	a. On or about July 1, 2005, in a criminal proceeding entitled <i>The People of the State of</i>
14	California v. Bonnie Yvonne Velazquez, in San Diego Superior Court, case number S194457,
15	Respondent was convicted by her plea of guilty to violation of Penal Code section 243,
16	subdivision (b), battery on emergency personnel, a misdemeanor.
17	b. The facts and circumstances leading to the conviction as set forth in Respondent's
18	plea form signed on June 28, 2005, were that she unlawfully used force against an emergency
19	medical technician.
20	c. On or about July 1, 2005, Respondent was sentenced to summary probation for three
21	years; 180 days of custody, stayed pending successful completion of probation; ordered to violate
22	no laws; pay various fines and fees; complete a Public Service Work Program (PSWP) for 15
23	days and to submit to search at any time with or without a warrant, with or without reasonable
24	cause, when required by a Probation Officer or other law enforcement officer.
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	STATEMENT OF ISSUES

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1	SECOND CAUSE FOR DENIAL OF APPLICATION	
2	(Dishonesty and Knowingly Making a False Statement on her Application)	
3	10. Respondent's application is subject to denial under section 480, subdivisions (a)(2)	
4	and (c) in that Respondent was dishonest on her application for a pharmacy technician	
5	registration. The circumstances are as follows:	
6	a. On or about April 30, 2008, Respondent submitted her Application for Registration as	
7	a Pharmacy Technician to the Board of Pharmacy. Question 6 of the pharmacy technician	
8	application states: "Have you ever been convicted of or pled no contest to a violation of any law	
9	of a foreign country, the United States or any state laws or local ordinances? You must include	
10	all misdemeanor and felony convictions, regardless of the age of the conviction, including those	
11	which have been set aside under Penal Code section 1203.4. Traffic violations of \$500 or less	
12	need not be reported."	
13	b. Respondent answered question 6 by stating "No" she had not been convicted of a	
14	crime, however, the true facts are that she was convicted of battery under Penal Code section 243	
15	as is detailed in paragraph 9, above, which is incorporated by reference.	
16	THIRD CAUSE FOR DENIAL OF APPLICATION	
17	(Falsification of an Application is Grounds to Suspend or Revoke a License of a Licentiate)	
18	11. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)	
19	in that Respondent was dishonest on her application for a pharmacy technician registration, an act	
20	which if done by a licensee would be grounds for discipline under section 4301, subdivisions (f)	
21	and (g).	
22	FOURTH CAUSE FOR DENIAL OF APPLICATION	
23	(Conviction of a Crime is Grounds to Suspend or Revoke a License of a Licentiate)	
24	12. Respondent's application is subject to denial under section 480, subdivision (a)(3)(A)	
25	in that Respondent has been convicted of a crime that is substantially related to the functions and	
26	duties of a pharmacy technician, which if done by a licensee would be grounds for discipline	
27	under section 4301, subdivision (a).	
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	STATEMENT OF ISSUES	

PRAYER WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision: 1. Denying the application of Bonnie Yvonne Velazquez for a pharmacy technician license; 2. Taking such other and further action as deemed necessary and proper. DATED: 6/9/10 VIRGINIA ExecutiveOfficer Board of Pharmacy Department of Consumer Affairs State of California Complainant SD2009804722 80440458.doc STATEMENT OF ISSUES