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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. 3449

13  
14 **BONNIE YVONNE VELAZQUEZ**  
2844 D Avenue  
15 National City, CA 91950

**STATEMENT OF ISSUES**

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Virginia Herold (Complainant) brings 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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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           “(l) 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.

10 "...."

#### 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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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 *The People of the State of*  
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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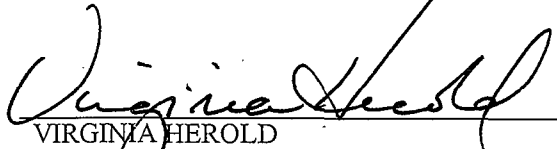


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PRAYER

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 HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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