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7		RE THE
8		PHARMACY CONSUMER AFFAIRS
9		CALIFORNIA
10		
11	In the Matter of the Statement of Issues Against:	Case No. 3512
12	Angelica Christina Perez	
13	2600 Glenview Dr. Hollister CA 95023	STATEMENT OF ISSUES
14	Applicant for Pharmacy Technician	
15	Registration	
16	Respondent.	
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19	Complainant alleges:	,
20	PAR	TIES
21	1. Virginia Herold (Complainant) bring	s this Statement of Issues solely in her official
22	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
23	2. On or about January 13, 2009, the Board of Pharmacy, Department of Consumer	
24	Affairs received an application for a Pharmacy Technician Registration from Angelica Christina	
25	Perez (Respondent). On or about January 7, 2009, Angelica Christina Perez certified under	
26	penalty of perjury to the truthfulness of all statements, answers, and representations in the	
27	application. The Board denied the application on August 17, 2009.	
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		STATEMENT OF ISSUES

_1	JURISDICTION	
2	3. This Statement of Issues is brought before the Board of Pharmacy (Board),	
3	Department of Consumer Affairs, under the authority of the following laws. All section	
4	references are to the Business and Professions Code unless otherwise indicated.	
5	4. Section 4300 of the Code states:	
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7	"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The	
8	board may, in its sole discretion, issue a probationary license to any applicant for a license who is	
9	guilty of unprofessional conduct and who has met all other requirements for licensure. The board	
10	may issue the license subject to any terms or conditions not contrary to public policy, including,	
11	but not limited to, the following:	
12	"(1) Medical or psychiatric evaluation.	
13	"(2) Continuing medical or psychiatric treatment.	
14	"(3) Restriction of type or circumstances of practice.	
15	"(4) Continuing participation in a board-approved rehabilitation program.	
16	"(5) Abstention from the use of alcohol or drugs.	
17	"(6) Random fluid testing for alcohol or drugs.	
18	"(7) Compliance with laws and regulations governing the practice of pharmacy.	
19	5. Section 4301 of the Code states:	
20	"The board shall take action against any holder of a license who is guilty of unprofessional	
21	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.	
22	Unprofessional conduct shall include, but is not limited to, any of the following:	
23	••••	
24	"(h) The administering to oneself, of any controlled substance, or the use of any dangerous	
25	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to	
26	oneself, to a person holding a license under this chapter, or to any other person or to the public, or	
27	to the extent that the use impairs the ability of the person to conduct with safety to the public the	
28	practice authorized by the license.	

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"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

"(1) The conviction of a crime substantially related to the qualifications, functions, and 3 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 4 (commencing with Section 801) of Title 21 of the United States Code regulating controlled 5 substances or of a violation of the statutes of this state regulating controlled substances or 6 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 7 record of conviction shall be conclusive evidence only of the fact that the conviction occurred. 8 The board may inquire into the circumstances surrounding the commission of the crime, in order 9 to fix the degree of discipline or, in the case of a conviction not involving controlled substances 10 or dangerous drugs, to determine if the conviction is of an offense substantially related to the 11 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 12 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning 13 of this provision. The board may take action when the time for appeal has elapsed, or the 14 judgment of conviction has been affirmed on appeal or when an order granting probation is made 15 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of 16 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not 17 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or 18 indictment." 19

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6. Section 480 of the Code states:

21 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
22 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

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1	suspending the imposition of sentence, irrespective of a subsequent order under the
2	provisions of Section 1203.4 of the Penal Code.
3	"(2) Done any act involving dishonesty, fraud, or deceit with the intent to
4	substantially benefit himself or herself or another, or substantially injure another.
5	"(3)(A) Done any act that if done by a licentiate of the business or profession in
6	question, would be grounds for suspension or revocation of license.
7	"(B) The board may deny a license pursuant to this subdivision only if the
8	crime or act is substantially related to the qualifications, functions, or duties of the
9	business or profession for which application is made.
10	"(b) Notwithstanding any other provision of this code, no person shall be denied a license
11	solely on the basis that he or she has been convicted of a felony if he or she has obtained a
12	certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
13	Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
14	met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
15	the rehabilitation of a person when considering the denial of a license under subdivision (a) of
16	Section 482.
17	"(c) A board may deny a license regulated by this code on the ground that the applicant
18	knowingly made a false statement of fact required to be revealed in the application for the
19	license."
20	FACTUAL BACKGROUND
21	7. On or about August 4, 2004, Respondent harbored, concealed, and aided a person
22	who committed the crime of assault by means likely to produce great bodily injury. Respondent
23	knew the assault occurred yet aided the assailant with the intent that the assailant might escape
24	arrest, trial, conviction, and punishment.
25	8. On or about October 26, 2004, In Benito County Superior Court Case No. CR-04-
26	01430, Respondent was convicted of on a plea of no contest to violating Penal Code section 32,
27	accessory after the fact with knowledge of the crime. The circumstances leading to Respondent's
28	conviction are described in paragraph 8, above.
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	STATEMENT OF ISSUES

1	9. On or about December 26, 2005, Respondent unlawfully possessed drug	
2	paraphernalia, a methamphetamine pipe, in violation of California Health and Safety Code	
3	section 11364. Respondent was arrested by the Gilroy Police Department.	
4	10. On or about June 15, 2006, In Santa Clara County Superior Court Case No	
5	FF513928, Respondent plead guilty to violating California Health and Safety Code section	
6	11364. Respondent entered a Deferred Entry of Judgment program. On or about October 11,	
7	2006, Deferred Entry of Judgment was terminated and Respondent was convicted of violating	
8	California Health and Safety Code section 11364. The circumstances leading to Respondent's	
9	conviction are described in paragraph 10, above.	
10	11. On or about December 4, 2005 Respondent used and was under the influence of	
11	methamphetamine in violation of California Health and Safety Code section 11550(a).	
12	Respondent was arrested by San Benito County Sheriff's Department.	
13	12. On or about August 11, 2006, in San Benito County Superior Court Case No CR-06-	
14	00856, Respondent plead guilty to violating Health and Safety Code section 11550(a). The	
15	circumstances leading to Respondent's guilty plea are described in paragraph 12, above.	
16	Respondent's sentence was suspended and she entered a Proposition 36 drug rehabilitation	
17	program. On or about December 19, 2008, San Benito County Superior Court Case No CR-06-	
18	00856 was dismissed.	
19	FIRST CAUSE FOR DENIAL OF APPLICATION	
20	(Unprofessional Conduct - Convictions)	
21	13. Respondent's application is subject to denial under sections 480, 4300, 4301(l) of the	
22	code in that Respondent was convicted of a crime that is substantially related to the duties,	
23	functions, and qualifications of a pharmacy technician. The circumstances are set forth in	
24	paragraphs 7-8, above.	
25	SECOND CAUSE FOR DENIAL OF APPLICATION	
26	(Unprofessional Conduct - Convictions)	
27	14. Respondent's application is subject to denial under sections 480, 4300, 4301(l) of the	
28	code in that Respondent was convicted of a crime that is substantially related to the duties,	
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	STATEMENT OF ISSUES	

1	functions, and qualifications of a pharmacy technician. The circumstances are set forth in	
2	paragraphs 9-10, above.	
3	THIRD CAUSE FOR DENIAL OF APPLICATION	
4	(Unprofessional Conduct – Dangerous/Injurious use of Drugs)	
5	15. Respondent's application is subject to denial under sections 480(a)(3)(A), 4300 and	
6	4301(h) of the code in that Respondent used drugs to the extent or in a manner that was	
7	dangerous or injurious to herself. The circumstances are set forth in paragraphs 10-13, above.	
8	FOURTH CAUSE FOR DENIAL OF APPLICATION	
9	(Unprofessional Conduct – Possession of Controlled Substances)	
10	16. Respondent's application is subject to denial under sections 480(a)(3), 4300 and	
11	4301(j) of the code in that Respondent violated a statute of California concerning controlled	
12	substances. The circumstances are set forth in paragraphs 9-12, above.	
13	FIFTH CAUSE FOR DENIAL OF APPLICATION	
14	(Unprofessional Conduct – Possession of Controlled Substances)	
15	17. Respondent's application is subject to denial under sections 480(a)(3)(A), 4300 and	
16	4301(j) of the code in that Respondent violated a statute of California concerning controlled	
17	substances. The circumstances are set forth in paragraphs 9 and 11, above.	
18	PRAYER	
19	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
20	and that following the hearing, the Board of Pharmacy issue a decision:	
21	1. Denying the application of Angelica Christina Perez for Pharmacy Technician	
22	Registration;	
23	2. Taking such other and further action as deemed necessary and proper.	
24	DATED: 6/3/10 higher Herd	
25	VIRGINIA HEROLD	
26	Executive Officer Board of Pharmacy	
27	Department of Consumer Affairs State of California	
28	Complainant	
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	STATEMENT OF ISSUES	

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