1		
	-	
1	EDMUND G. BROWN JR. Attorney General of California	
2	MARC D. GREENBAUM Supervising Deputy Attorney General	
3	GILLIAN E. FRIEDMAN Deputy Attorney General	
4	State Bar No. 169207 300 So. Spring Street, Suite 1702	
5	Los Angeles, CA 90013 Telephone: (213) 897-2564	
6	Facsimile: (213) 897-2804 Attorneys for Complainant	
7	Thorneys for Complainani	
8		RE THE PHARMACY
9	DEPARTMENT OF (CONSUMER AFFAIRS CALIFORNIA
10		
11	In the Matter of the Statement of Issues	Case No. 3760
12	Against:	
13	JASON ALLAN HAWES 1967 West 236th Street	STATEMENT OF ISSUES
14	Torrance, CA 90504	
15	Applicant for Pharmacy Technician Registration	
16	Respondent.	
17		
18	Complainant alleges:	
19	\underline{PAR}	<u>TTIES</u>
20	1. Virginia Herold (Complainant) bring	s this Statement of Issues solely in her official
21	capacity as the Executive Officer of the Board of	f Pharmacy, Department of Consumer Affairs.
22	2. On or about August 10, 2009, the Bo	pard of Pharmacy, Department of Consumer
23	Affairs received an Application for Registration	as a Pharmacy Technician from Jason Allan
24	Hawes (Respondent). On or about July 9, 2009,	
25	perjury to the truthfulness of all statements, answ	vers, and representations in the application. The
26	Board denied the application on May 19, 2010.	
27		
28	· ///	
[1

2.7

///

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 118, subdivision (b) provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.
 - 5. Section 480(a) 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:
- (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.
 - 6. Section 4060 states, in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly labeled with the name and address of the supplier or producer."

1	7. Section 4301 states, in pertinent part:		
2	. "The board shall take action against any holder of a license who is guilty of		
3	unprofessional conduct or whose license has been procured by fraud or misrepresentation or		
4	issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the		
5	following:		
6			
7	(h) The administering to oneself, of any controlled substance, or the use of any		
8	dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or		
9	injurious to oneself, to a person holding a license under this chapter, or to any other person or to		
10	the public, or to the extent that the use impairs the ability of the person to conduct with safety to		
11	the public the practice authorized by the license.		
12	••••		
13	(j) The violation of any of the statutes of this state, or any other state, or of the United		
14	States regulating controlled substances and dangerous drugs.		
15	"		
16	REGULATORY PROVISIONS		
17	8. California Code of Regulations, title 16, section 1770, states, in pertinent part:		
18	"For the purpose of denial, suspension, or revocation of a personal or facility license		
19	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a		
20	crime or act shall be considered substantially related to the qualifications, functions or duties of a		
21	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a		
22	licensee or registrant to perform the functions authorized by his license or registration in a manne		
23	consistent with the public health, safety, or welfare."		
24	CONTROLLED SUBSTANCES		
25	9. "Ecstasy" is a controlled substance as defined in Health and Safety Code		
26	section 11377(a)), and is categorized as a dangerous drug pursuant to section 4022.		
27	///		
28	///		

1		
	·	
1	10. "Marijuana" is a hallucinogenic Schedule I controlled substance as defined by	
2	Health and Safety Code section 11054(d)(13) and is categorized as a dangerous drug pursuant to	
3	section 4022.	
4	FIRST CAUSE FOR DISCIPLINE	
5	(Use or Self-Administration of Controlled Substances)	
6	11. Respondent is subject to disciplinary action under sections 480(a)(3) and 4301,	
7	subdivisions (h) and (j), in that, on or about January 3, 2009, Respondent was arrested by the	
8	Torrance Police Department for being in possession of esctasy and marijuana, controlled	
9	substances. Respondent had injested three ecstasy tablets at the time he was arrested.	
10	SECOND CAUSE FOR DISCIPLINE	
11	(Possession of a Controlled Substance without a Valid Prescription)	
12	12. Respondent is subject to disciplinary action under sections 4301, subdivision (j)	
13	and 4060, in that, on or about January 3, 2009, Respondent was found to be in possession of	
14	controlled substances without valid prescriptions. The facts are that on or about January 3, 2009,	
15	Respondent was arrested by the Torrance Police Department for being in possession of esctasy	
16	and marijuana, controlled substances. Respondent admitted being in possession of ecstasy	
17	tablets and marijuana.	
18	<u>PRAYER</u>	
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 Jason Allan Hawes for a Pharmacy Technician	
22	Registration; and	
23	2. Taking such other and further action as deemed necessary and proper.	
24	- ulalia	
25	DATED: 11/3/10 Jugine Serold VIRGINIA HEROLD	
26	Executive Officer Board of Pharmacy	
27	Department of Consumer Affairs State of California	
28	Complainant LA2010503484/50712340.doc	