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7	Facsimile: (916) 327-8643 Attorneys for Complainant
8	BEFORE THE
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
10	STATE OF CALIFORNIA
11	In the Matter of the Statement of Issues Case No. 3857
12	Against:
13	BRENNA ANN FERRY 3111 S Street, Apt. 309 STATEMENT OF ISSUES
14	Sacramento, CA 95816 Pharmacist License
15	Respondent.
16	A COSPONATION OF THE PROPERTY
17	Complainant alleges:
18	<u>PARTIES</u>
19	1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21	2. On or about May 28, 2010, the Board of Pharmacy, Department of Consumer Affairs
22	received an application for a/an Pharmacist License from Brenna Ann Ferry (Applicant). On or
23	about May 11, 2010, Brenna Ann Ferry certified under penalty of perjury to the truthfulness of all
24	statements, answers, and representations in the application. The Board denied the application on
25	August 12, 2010.
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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 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:
- "(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.
- "(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.

CAUSE FOR DENIAL OF APPLICATION

(Conviction of Crime)

- 5. Applicant's application is subject to denial under section 480 in that on or about January 28, 2010, in a criminal proceeding entitled *State of Nebraska v. Brenna A. Ferry* in Douglas County Criminal/Traffic Division, Case Number CP09-34711, Applicant was convicted by plea of guilty to DUI, a misdemeanor. The circumstances are as follows:
- a. On or about October 28, 2009, Applicant was arrested for driving under the influence of alcohol in Omaha, Nebraska, after being stopped for failure to use her turn signal. Her blood alcohol content was later determined to be .213.

1	b. On or about January 28, 2010, Applicant was sentenced as follows: 2 days in	
2	jail, 12 months supervised probation, fined and her driver's license was suspended in Nebraska	l
3	for 365 days.	•
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5	<u>PRAYER</u>	
6	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged	l,
7	and that following the hearing, the Board of Pharmacy issue a decision:	
8	1. Denying the application of Brenna Ann Ferry for a Pharmacist License;	
9	2. Taking such other and further action as deemed necessary and proper.	
10	DATED: 12/6/10 (Legin = Held)	
11	VIRGINIAHEROLD	
12	Executive Officer Board of Pharmacy Department of Consumer Affairs	
13	State of California Complainant	
14	Complantal	
15	SA2010102784 statement of issues.rtf	
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