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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 3945

11 **KA'MESHA STAPLES**
12 **2320 90th Avenue, Apt. # 3**
13 **Oakland, CA 94603**

STATEMENT OF ISSUES

14 **Applicant for Pharmacy Technician License**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about October 7, 2008, the Board of Pharmacy, Department of Consumer
21 Affairs received an Application for Registration as a Pharmacy Technician from Ka'Mesha
22 Staples (Respondent). On or about September 12, 2008, Respondent certified under penalty of
23 perjury as to the truthfulness of all statements, answers, and representations in the Application.
24 The Board denied the Application on May 19, 2010.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

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1 7. 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.”

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9 FIRST CAUSE FOR DENIAL OF APPLICATION

10 (Conviction of Substantially Related Crime(s))

11 8. Respondent's application is subject to denial under the following section(s) of the
12 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and
13 California Code of Regulations, title 16, section 1770, for conviction of a substantially related
14 crime, in that on or about March 9, 2006, in a case titled *People v. Kamesha Laverius Staples*,
15 Case No. 390196-2 in Alameda County Superior Court, Respondent was convicted of violating
16 Penal Code section 484(a) (Petty Theft), a misdemeanor, as follows:

17 a. On or about January 9, 2006, based on an incident that took place on or about
18 December 13, 2005, during which Respondent was alleged to have stolen merchandise from a
19 Macy's store in Hayward, CA, with a value of less than \$400.00, Respondent was charged in
20 Case No. 390196-2 with violating Penal Code section 484(a) (Petty Theft), a misdemeanor.

21 b. On or about March 9, 2006, Respondent pleaded nolo contendere and was
22 found guilty of the charged offense. Imposition of sentence was suspended in favor of a period of
23 court probation of thirty-six (36) months, on terms and conditions including time served (1 day)
24 in County Jail, a stay-away order from the Macy's store in Hayward, CA, and fines and fees.

25 c. On or about December 18, 2009, the plea and verdict of guilty in Case No.
26 390196-2 were set aside and vacated and a plea of not guilty was entered, and the complaint was
27 dismissed, pursuant to Penal Code section 1203.4.

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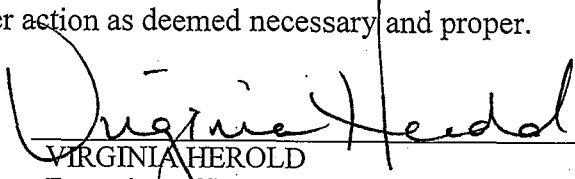
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PRAYER

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 Ka'Mesha Staples to be a pharmacy technician;
2. Taking such other and further action as deemed necessary and proper.

DATED: 7/14/11


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

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