

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 BRETT A. KINGSBURY  
Deputy Attorney General  
4 State Bar No. 243744  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1192  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 3999

12 **JIMMY B. LAM**  
13 **295 Monterey Blvd., Apt. 5**  
**San Francisco, CA 94131**

**STATEMENT OF ISSUES**

14 Respondent.

15 Complainant alleges:

16 PARTIES

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

19 2. On or about March 4, 2009, the Board of Pharmacy, Department of Consumer Affairs  
20 received an application for a Pharmacy Technician License from Jimmy B. Lam (Respondent). On  
21 or about October 9, 2008, Jimmy B. Lam certified under penalty of perjury to the truthfulness of  
22 all statements, answers, and representations in the application. The Board denied the application  
23 on October 26, 2010.

24 JURISDICTION

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



1 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
2 Civil Procedure."

3 7. Section 4301 of the Code states:

4 "... Unprofessional conduct shall include, but is not limited to, any of the following:

5 "....

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

8 "(k) The conviction of more than one misdemeanor or any felony involving the use,  
9 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
10 combination of those substances.

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

28 "...."



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SECOND CAUSE FOR DENIAL OF APPLICATION

(Violations of Statutes Regulating Controlled Substances)

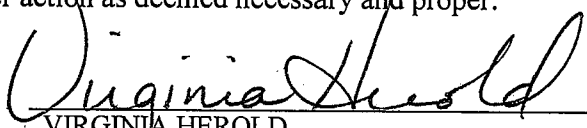
10. Respondent's application is subject to denial under §§ 4300(c) and 4301(j) of the Code in that Respondent violated state law regulating controlled substances and dangerous drugs. The circumstances are described above in the First Cause for Denial of Application.

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 Jimmy B. Lam for a Pharmacy Technician License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 6/2/11



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

SF2011200930  
20447757.doc