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

11 In the Matter of the Statement of Issues
Against:

Case No. 4160

12 **RACHEL LEE LOUKAS**
13 **1012 Holbrook Ct.**
14 **Yakama, WA 98902**

STATEMENT OF ISSUES

15 Applicant.

16
17 Complainant alleges:

18 PARTIES

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 March 22, 2011, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a Pharmacist License from Rachel Lee Loukas (Respondent).
23 On or about March 8, 2011, Rachel Lee Loukas certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on July 12, 2011.

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

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action 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 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

...

"(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter.

6. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 7. Section 480 of the Code states in pertinent part:

5 "(a) A board may deny a license regulated by this code on the grounds that the applicant has
6 one of the following:

7 "(1) Been convicted of a crime. A conviction within the meaning of this section means a
8 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
9 board is permitted to take following the establishment of a conviction may be taken when the
10 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
11 an order granting probation is made suspending the imposition of sentence, irrespective of a
12 subsequent order under the provisions of Section 1203.4 of the Penal Code.

13 ...

14 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,
15 would be grounds for suspension or revocation of license.

16 "(B) The board may deny a license pursuant to this subdivision only if the crime or act is
17 substantially related to the qualifications, functions, or duties of the business or profession for
18 which application is made."

19 ...

20 FIRST CAUSE FOR DENIAL OF APPLICATION

21 (Criminal Convictions)

22 8. Respondent's application is subject to denial under sections 480, 4300, and 4301(h),
23 and (l) in that she has been criminally convicted as follows:

24 a. On or about March 11, 2008, respondent was convicted of Reckless Driving in
25 the Missoula Municipal Court, State of Montana, Case No. CR-2007-004077. The facts and
26 circumstances were as follows:

27 On December 13, 2007, Respondent was pulled over and charged with a DUI.
28 Respondent failed to submit to a breath test, and her drivers' license was suspended. The charge

1 was subsequently reduced to Reckless Driving. Respondent was fined \$351 and ordered to
2 complete an alcohol assessment class, which was completed on July 9, 2008. No further
3 treatment was ordered at that time.

4 b. On or about January 28, 2009, Respondent was convicted on her plea of Guilty
5 of Driving Under the Influence and Driving with a Suspended License in the Missoula County
6 Justice Court, State of Montana case no. TK-2008-0032370-T2. The facts and circumstances
7 were as follows:

8 On October 20, 2008, Respondent was involved in an alcohol related automobile
9 accident for which she was hospitalized. After her release from the Hospital, respondent
10 voluntarily admitted herself to the Rimrock Foundation Treatment Center in Billings Montana
11 where she was diagnosed with alcohol dependence and completed a 28 day program. Respondent
12 was fined \$990 and placed on misdemeanor probation for 6 months.

13 c. On or about November 10, 2009, Respondent was convicted of Obstructing a
14 Peace Officer or Other Public Servant in the Missoula Municipal Court, State of Montana, Case
15 no. CR-2009-002501. The facts and circumstances were as follows:

16 Between January 28, 2009 and November 10, 2009, on a date unknown, respondent
17 had a relapse and failed or refused to provide information to a peace officer.

18 SECOND CAUSE FOR DENIAL OF APPLICATION

19 (Convictions involving consumption of alcohol)

20 9. Respondent's application is subject to denial under section 4301 (k) in that she was
21 convicted of the crimes set forth in paragraphs 8, (a) through (c) above, all of which involved the
22 consumption of alcohol.

23 THIRD CAUSE FOR DENIAL OF APPLICATION

24 (Out-of-State discipline)

25 10. Respondent's application is subject to denial under section 4301(n) in that she was
26 granted a conditional credential as a Pharmacist in the State of Washington by and through
27 Agreement to Practice With Conditions No. M2010-508, dated June 10, 2010. The basis for the
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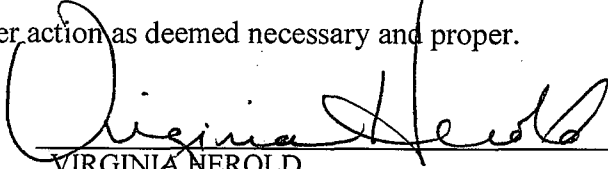
1 action was Unprofessional Conduct as defined by the laws of the State of Washington, based on
2 the criminal convictions set forth above.

3
4 P R A Y E R

5 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
6 and that following the hearing, the Board of Pharmacy issue a decision:

- 7 1. Denying the application of Rachel Lee Loukas for a Pharmacist License;
8 2. Taking such other and further action as deemed necessary and proper.

9
10 DATED: 12/5/11


11 VIRGINIA NEROLD
12 Executive Officer
13 Board of Pharmacy
14 Department of Consumer Affairs
15 State of California
16 Complainant

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