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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  
11 Against:

Case No. 4194

12 **JEFFREY RODRIGUEZ CONCEPCION**  
13 **1040 Commercial St.**  
**Suite 110-111**  
14 **San Jose, CA 95112**

**STATEMENT OF ISSUES**

15 **1812 Golden Hill Drive**  
**Milpitas CA 95035**

16 **Designated Representative License**

17 Applicant.

18  
19 Complainant alleges:

20 PARTIES

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

23 2. On or about April 29, 2011, the Board of Pharmacy, Department of Consumer Affairs  
24 received an application for a Designated Representative License from Jeffrey Rodriguez  
25 Concepcion (Applicant). On or about March 28, 2011, Applicant certified under penalty of  
26 perjury to the truthfulness of all statements, answers, and representations in the application. The  
27 Board denied the application on August 22, 2011.







1 "For the purpose of denial, suspension, or revocation of a personal or facility license  
2 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
3 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
4 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
5 licensee or registrant to perform the functions authorized by his license or registration in a manner  
6 consistent with the public health, safety, or welfare."

7 DRUGS

8 10. Methamphetamine is a Schedule II controlled substance as designated by Health and  
9 Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and Professions  
10 Code section 4022. It is a stimulant drug.

11 FIRST CAUSE FOR DENIAL OF APPLICATION

12 (CRIMINAL CONVICTIONS)

13 11. Applicant is subject to disciplinary action under sections 4300(c), 4301(j), 4301(l),  
14 4301(o), 4301(p), and/or 480 in that on or about August 6, 1999, in a criminal proceeding entitled  
15 *The People of the State of California v. Jeffrey Rodriguez Concepcion* in Santa Clara Superior  
16 Court, Case Number C9927036, Applicant was convicted of violating Vehicle Code section  
17 2800.2(a) (evading police), a felony, and Vehicle Code 10851(a) (taking vehicle without owner's  
18 consent), a misdemeanor. Applicant was sentenced to serve 60 days in jail, probation for three  
19 years, and fined. The circumstances of the conviction are that Applicant took his step-father's  
20 vehicle without permission, and fled from police for 45 minutes.

21 12. Applicant is further subject to disciplinary action under sections 4300(c), 4301(j),  
22 4301(l), 4301(o), 4301(p), and/or 480 in that on or about August 19, 1999, in a criminal  
23 proceeding entitled *The People of the State of California v. Jeffrey Rodriguez Concepcion* in  
24 Santa Clara Superior Court, Case Number E9911205, Applicant was convicted of violating Penal  
25 Code section 148(a)(1) (obstructing police officer), a misdemeanor, and Vehicle Code 2800.2(a)  
26 (evading police), a misdemeanor. Applicant was sentenced to serve probation for three years, and  
27 fined.

1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (USE OF METHAMPHETAMINE)

3 13. Applicant is subject to disciplinary action under sections 4300(c), 4301(h), 4301(j),  
4 4301(o), and/or 4301(p), in that in 2004, Applicant was arrested when, after a traffic stop, he was  
5 noted to be under the influence of methamphetamine.

6 THIRD CAUSE FOR DENIAL OF APPLICATION

7 (FALSE STATEMENT ON APPLICATION)

8 14. Applicant is subject to disciplinary action under sections 4300(c), 4301(g), 4301(j),  
9 4301(o), 4301(p), and/or 4301(q), in that he made a false statement on his application. The  
10 circumstances are that on or about March 28, 2011, Applicant signed an Application for  
11 Designated Representative License immediately below a certification under penalty of perjury as  
12 to the truthfulness and accuracy of all answers given. The application was received by the Board  
13 on April 29, 2011. The fifth question on the second page of the application stated: "Have you  
14 ever been convicted of or pled no contest to a violation of any law of a foreign country, the  
15 United States or any state laws or local ordinances? You must include all misdemeanor and  
16 felony convictions, regardless of the age of the conviction, including those which have been set  
17 aside under Penal code sections 1000 or 1203.4. Traffic violations of \$500 or less need not be  
18 reported. **If "yes," attach an explanation including the type of violation, the date,**  
19 **circumstances, location and the complete penalty received."** Applicant checked the box  
20 indicating "No." In fact, Applicant had been convicted of criminal offenses as alleged above in  
21 paragraphs 11 and 12.

22  
23 PRAYER

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

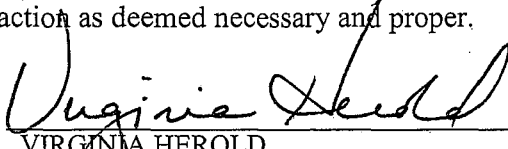
26 1. Denying the application of Jeffrey Rodriguez Concepcion for a Designated  
27 Representative License;

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2. Taking such other and further action as deemed necessary and proper.

DATED: 1/24/12



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

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