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

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

Case No. 4224

13 **LIEW K. SAETURN**

**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 (Board).  
20

21 2. On or about February 18, 2011, the Board received an Application for Registration as  
22 a Pharmacy Technician from Liew K. Saeturn (Respondent). On or about January 12, 2011,  
23 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. The Board denied the application on October 6, 2011.

25 **JURISDICTION**

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



1 qualifications, functions, or duties of the business or profession for which the  
licensee's license was issued.

2 (c) A conviction within the meaning of this section means a plea or verdict of  
3 guilty or a conviction following a plea of nolo contendere. Any action that a board is  
4 permitted to take following the establishment of a conviction may be taken when the  
5 time for appeal has elapsed, or the judgment of conviction has been affirmed on  
6 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.

7 6. Code section 493 states, in part:

8 Notwithstanding any other provision of law, in a proceeding conducted by a  
9 board within the department pursuant to law to deny an application for a license or to  
10 suspend or revoke a license or otherwise take disciplinary action against a person who  
11 holds a license, upon the ground that the applicant or the licensee has been convicted  
12 of a crime substantially related to the qualifications, functions, and duties of the  
13 licensee in question, the record of conviction of the crime shall be conclusive  
evidence of the fact that the conviction occurred, but only of that fact, and the board  
may inquire into the circumstances surrounding the commission of the crime in order  
to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question.

14 7. Code section 4300 provides, in pertinent part, that every license issued by the Board  
15 is subject to discipline, including suspension or revocation.

16 8. Code section 4301 states, in part:

17 The board shall take action against any holder of a license who is guilty of  
18 unprofessional conduct or whose license has been procured by fraud or  
19 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
20 not limited to, any of the following:

21 . . .

22 (l) The conviction of a crime substantially related to the qualifications,  
23 functions, and duties of a licensee under this chapter. The record of conviction of a  
24 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
25 States Code regulating controlled substances or of a violation of the statutes of this  
26 state regulating controlled substances or dangerous drugs shall be conclusive  
27 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
28 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

1 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
2 contendere is deemed to be a conviction within the meaning of this provision. The  
3 board may take action when the time for appeal has elapsed, or the judgment of  
4 conviction has been affirmed on appeal or when an order granting probation is made  
5 suspending the imposition of sentence, irrespective of a subsequent order under  
6 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
7 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
8 dismissing the accusation, information, or indictment.

9 ...  
10 (p) Actions or conduct that would have warranted denial of a license.

11 **REGULATORY PROVISIONS**

12 9. California Code of Regulations, title 16, section 1770 provides, in part:

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

20 **FIRST CAUSE FOR DENIAL OF APPLICATION**

21 **(Substantially Related Convictions)**  
22 **(Bus. & Prof. Code §§480(a)(1))**

23 10. Respondent's application is subject to denial under Code sections 480, subdivision  
24 (a)(1), in that she was convicted of crimes substantially related to the qualifications, functions,  
25 and duties of a licensed pharmacy technician, within the meaning of California Code of  
26 Regulations, title 16, section 1770. The circumstances are as follows:

27 11. On or about March 5, 2007, in a criminal proceeding entitled *People v. Liew Saetern*  
28 in San Mateo County, Case Number SCO61311B, Respondent was convicted for violating Penal  
Code section 32 (Accessory to a Crime), a felony.

a. Respondent was sentenced to serve 2 years of probation and 45 days in county  
jail and to comply with other terms and conditions.

b. The underlying events that gave rise to the conviction are as follows: on or  
about April 28, 2006, the Daly City Police Department found 2 pistols and 2 plastic bags

1 containing marijuana residue in Respondent's car during a parole search involving Respondent's  
2 boyfriend. Respondent admitted that after hearing that her boyfriend was arrested, she went to his  
3 house and flushed down the toilet 2 bags of marijuana and 30 ecstasy<sup>1</sup> pills. She also admitted  
4 that she put the emptied marijuana bags and 2 pistols in her car.

5 12. On or about April 11, 2007, in a criminal proceeding entitled *People v. Liew Saeturn*  
6 in San Francisco County, Case Number 2292285, Respondent was convicted for violating  
7 Vehicle Code section 23152 (Driving While Under the Influence of Alcohol), a misdemeanor.

8 a. Respondent was sentenced to serve 3 years of probation and 2 days in county  
9 jail, to complete a first offender drinking driver program, and to comply with other terms and  
10 conditions.

11 b. The underlying events that gave rise to the conviction are as follows: on or  
12 about November 17, 2006, the California Highway Patrol stopped Respondent after observing her  
13 weaving in between traffic lanes on Interstate 80 in San Francisco, California. The arresting  
14 officer observed that she had slow and slurred speech and a strong odor of alcohol on her breath.  
15 Respondent admitted to drinking 5 shots of vodka. Her blood alcohol level was .12%.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 **(Dishonesty, Fraud, or Deceit)**  
18 **(Bus. & Prof. Code §480(a)(2))**

19 13. Respondent's application is subject to denial under Code section 480, subdivision  
20 (a)(2), in that Respondent committed dishonest acts, fraud, or deceit with the intent to  
21 substantially benefit herself, or substantially injure another. Complainant refers to, and by this  
22 reference incorporates, the allegations set forth above in paragraph 11 and its subparts, above, as  
23 though set forth fully.

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27 \_\_\_\_\_  
28 <sup>1</sup> MDMA or 3, 4-methylenedioxymethamphetamine, a controlled substance.



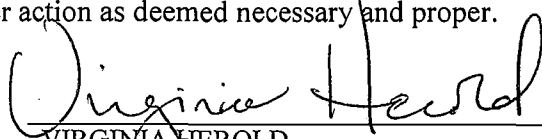
PRAYER

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WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this Statement of Issues, and that following the hearing, the Board of Pharmacy issue a decision:

1. Denying the application of Liew K. Saetern for a Pharmacy Technician License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 5/29/12



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

SF2012401030/ statement of issues.rtf