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

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

Case No. 4293

13 **RANSON LEE BARRETT SPARROW**

STATEMENT OF ISSUES

14 **Applicant for Pharmacy Technician**
15 **Registration**

16 Respondent.

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 ("Board"), Department of Consumer
21 Affairs.

22 2. On or about May 17, 2011, the Board received an application for Registration as a
23 Pharmacy Technician from Ranson Lee Barrett Sparrow ("Respondent"). On or about May 4,
24 2011, Ranson Lee Barrett Sparrow certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the application. The Board denied the application on
26 February 14, 2012.

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1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

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

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

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

15 ...

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

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

21 (b) Notwithstanding any other provision of this code, no person shall be denied a license
22 solely on the basis that he or she has been convicted of a felony if he or she has obtained a
23 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
24 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
25 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
26 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
27 Section 482."

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1 **REGULATORY PROVISIONS**

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

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

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(Conviction of a Substantially Related Crime)**

11 6. Respondent's application is subject to denial under Code section 480, subdivision
12 (a)(1), in conjunction with California Code of Regulations, title 16, section 1770, in that
13 Respondent was convicted of a substantially related crime. On or about January 23, 2009,
14 Respondent pled guilty to and was convicted of one misdemeanor count of possession of a deadly
15 weapon with intent to commit assault, a violation of Penal Code section 12024. (*The People of*
16 *the State of California v. Ranson Lee Barrett Sparrow*, Super. Ct. of California, County of San
17 Bernardino, 2008, Case No. FVA801386.) The court ordered Respondent to serve 258 days in
18 jail with credit for time served of 172 days.

19 7. The circumstances of the conviction are that on or about July 31, 2008, Respondent
20 travelled to the neighborhood of John Doe in Fontana, California. Two members of a criminal
21 street gang known as the “Hustlas Gang” and a third individual with no known gang ties
22 accompanied Respondent. After drawing John Doe away from a child’s birthday party,
23 Respondent produced a handgun. He displayed it, but did not fire it. Respondent and his
24 companions disappeared into an alley only to reappear fifteen minutes later in front of John Doe’s
25 house. Two of Respondent’s associates then fired five rounds at John Doe, one of which passed
26 through his arm and lodged in his stomach. After the shooting, Respondent fled the scene in a red
27 car with a personalized license plate. A Fontana Police Department Officer observed Respondent
28 leaving the scene and arrested him.

