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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  
Against:  
12 **MARIT RUTH FECHNER**  
13  
14 **Pharmacist License Applicant**  
15 **Respondent.**

Case No. 4419

**STATEMENT OF ISSUES**

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 May 17, 2011, the Board of Pharmacy, Department of Consumer Affairs  
22 received an application for a Pharmacist License from Marit Ruth Fechner (Respondent). On or  
23 about, February 3, 2011, Marit Ruth Fechner certified under penalty of perjury to the truthfulness  
24 of all statements, answers, and representations in the application. The Board denied the  
25 application on July 3, 2012.





1 tire with a can of tire repair fluid. Respondent's vehicle appeared as if it had just been in a  
2 collision, as there was significant damage to the right front fender, the airbag in the steering  
3 wheel was deployed, and there was a plastic lid and a napkin stuck to the interior of the front  
4 passenger side window. The vehicle was running. Respondent denied that the vehicle had just  
5 been in a collision, stating that it had been in a collision two weeks ago, and it had been "taken  
6 care of." The officer noticed that Respondent's breath smelled like alcohol and her balance was  
7 impaired. Respondent initially denied that she had been drinking, but later admitted that she had  
8 been drinking. Respondent also stated that she was in the United States Armed Forces and was  
9 stationed at Camp Pendleton in Southern California. She claimed that she was just visiting  
10 Livermore. The officer administered Standard Field Sobriety Tests (SFSTs) to Respondent, and  
11 Respondent showed significant impairment. Based on officer's the above observations, he  
12 arrested Respondent for violation of Vehicle Code section 23152, subdivision (a) (driving under  
13 the influence), and transported her to Santa Rita Jail, where she submitted to a blood test. When  
14 the officer completed the arrest report, Respondent listed a Livermore address as her home  
15 address, which conflicted with the information she had previously given the officer.

16 SECOND CAUSE FOR DENIAL OF APPLICATION

(Conviction of Substantially Related Crime)

17 (Bus. & Prof. Code §§ 480, subd. (a)(1), 4301, subd. (l); Cal. Code Regs., tit. 16, § 1770)

18 10. Complainant realleges the allegations contained in paragraphs 8 and 9 above, and  
19 incorporates them by reference as if fully set forth.

20 11. Respondent's application is subject to denial under Code section 480, subdivision  
21 (a)(1), by reference to Code section 4301, subdivision (l), and as defined by California Code of  
22 Regulations, title 16, section 1770, in that she was convicted of a crime substantially related to the  
23 qualifications, functions, and duties of a licensee. The circumstances are that on or about April  
24 19, 2012, in a criminal matter entitled *The People of the State of California v. Marit Ruth*  
25 *Fechner*, in the Alameda County Superior Court, Docket No. 140109, Respondent was convicted  
26 by plea of no contest of violating Vehicle Code section 23152, subdivision (a) (driving under the  
27  
28

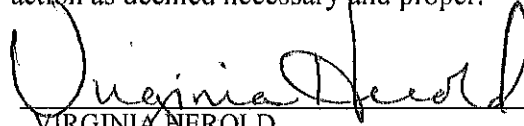
1 influence of alcohol or drugs). Respondent was sentenced three years of probation and ordered to  
2 complete a weekend work program and a 9 month DUI school.

3 PRAYER

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

- 6 1. Denying the application of Marit Ruth Fechner for a Pharmacist License; and  
7 2. Taking such other and further action as deemed necessary and proper.

8 DATED: 1/23/13



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

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