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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 Against: Case No. 4680
11 **ANDREAL ANN LEWIS**
12 **Applicant for Pharmacy Technican License** **STATEMENT OF ISSUES**
13 Respondent.
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16 Complainant alleges:

17 PARTIES

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

20 2. On or about October 26, 2012, the Board of Pharmacy, Department of Consumer
21 Affairs received an Application for Registration as a Pharmacy Technician from Andreal Ann
22 Lewis (Respondent). On or about October 24, 2012, Respondent certified under penalty of
23 perjury the truthfulness of all statements, answers, and representations in the application. The
24 Board denied the application on or about March 12, 2013.

25 JURISDICTION

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

STATUTORY AND REGULATORY PROVISIONS

4. Section 4300, subdivision (c), of the Code states:

“(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy”

5. Section 4301 of the Code provides, in pertinent part, that “unprofessional conduct” is defined to include, but not be limited to, any of the following:

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.

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

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

“(1) Been convicted of a crime. . . Any action which a board is permitted to take following the establishment of a conviction may be taken . . . irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.

“(2) Done any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another; or

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

“The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the . . . [license].”

...

1 e. On or about March 2, 2009, in Alameda County Superior Court, Case No.
2 417011, Respondent was convicted of violating Vehicle Code section 23152(a) (Driving Under
3 the Influence of Alcohol or Drugs), a misdemeanor.

4 SECOND CAUSE FOR DENIAL OF APPLICATION

5 (Dangerous or Injurious Use of Alcohol)

6 9. Respondent's application is subject to denial under the following section(s) of the
7 Code: 480(a)(3) by reference to 4301(h); and/or 4300(c) by reference to 4301(h), in that, as
8 described in paragraph 8 above, Respondent made dangerous or injurious use of alcohol.

9 THIRD CAUSE FOR DENIAL OF APPLICATION

10 (Unprofessional Conduct)

11 10. Respondent's application is subject to denial under the following section(s) of the
12 Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as described
13 in paragraphs 8 and 9 above, Respondent engaged in unprofessional conduct.

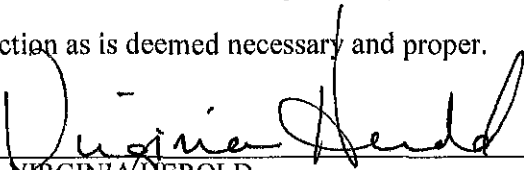
14 PRAYER

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

- 17 1. Denying the application of Andreal Ann Lewis to be a pharmacy technician;
18 2. Taking such other and further action as is deemed necessary and proper.

19 DATED: _____

8/14/13

20 
21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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