

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JUSTIN R. SURBER  
Deputy Attorney General  
4 State Bar No. 226937  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 355-5437  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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. 5085

12 **ERICA LYNN BOWMAN**

**STATEMENT OF ISSUES**

13 Respondent.

14  
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 2. On or about May 21, 2013, the Board of Pharmacy, Department of Consumer Affairs  
20 received an application for registration as a Pharmacy Technician from Erica Lynn Bowman  
21 (Respondent). On or about May 15, 2013, Erica Lynn Bowman certified under penalty of perjury  
22 to the truthfulness of all statements, answers, and representations in the application. The Board  
23 denied the application on October 16, 2013.

24 JURISDICTION

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

28 4. Section 480 of the Code states:

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

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

9           "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
10 benefit himself or herself or another, or substantially injure another.

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

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

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

23           "(c) A board may deny a license regulated by this code on the ground that the applicant  
24 knowingly made a false statement of fact required to be revealed in the application for the  
25 license."

26           5.     Section 4300 of the Code states:

27           "(a) Every license issued may be suspended or revoked.

28                     ...





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 FIRST CAUSE FOR DENIAL OF APPLICATION

8 (Conviction)

9 8. Respondents application is subject to denial under sections 480(a)(1) of the code and  
10 section 4300(c) of the code in conjunction with 4301(l) of the code in the Respondent was  
11 convicted of a crime that is substantially related to the duties, functions, and qualifications of a  
12 pharmacy technician. On or about September 15, 2009, in Monterrey County Superior Court  
13 Case No. MS279468A, Respondent was convicted of violating Penal Code Section 484, petty  
14 theft. On or about July 20, 2009, Respondent stole from a Macys store.

15 SECOND CAUSE FOR DENIAL OF APPLICATION

16 (Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

17 9. Respondents application is subject to denial under sections 480(a)(2) of the code in  
18 conjunction with sections 4300(c) and 4301(f) of the code in the Respondent committed an act  
19 involving act involving moral turpitude, dishonesty, fraud, deceit, or corruption. If this act was  
20 performed by a licensee it would be cause for discipline. The circumstances are described in  
21 paragraph 8, above.

22 THIRD CAUSE FOR DENIAL OF APPLICATION

23 (Violation of Drug Laws)

24 10. Respondents application is subject to denial under sections 480(a)(2) of the code in  
25 conjunction with sections 4300(c) and 4301(j) of the code in the Respondent violated the drug  
26 laws of California in follows:

27 a) On or about July 16, 2008, Respondent violated Health and Safety Code Section  
28 11377(A), possession of a controlled substance. Respondent possessed heroin and marijuana.

1 b) On or about October 10, 2010, Respondent possessed marijuana in violation of Health  
2 and Safety Code section 11357(b).

3 FOURTH CAUSE FOR DENIAL OF APPLICATION

4 (Self Administration of Controlled Substances)

5 11. Respondents application is subject to denial under sections 480(a)(2) of the code in  
6 conjunction with sections 4300(c) and 4301(h) of the code in the Respondent self administered  
7 the controlled substances marijuana and heroin on multiple occasions in and around 2008. The  
8 self administered the controlled substances marijuana and heroin would be cause for discipline if  
9 done by a registered Pharmacy Technician.

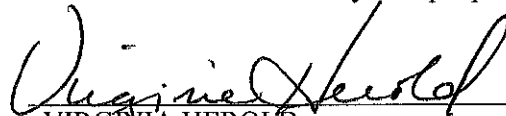
10 PRAYER

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

13 1. Denying the application of Erica Lynn Bowman for registration as Pharmacy  
14 Technician;

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

16 DATED: 4/5/14



17 VIRGINIA HEROLD  
18 Executive Officer  
19 Board of Pharmacy  
20 Department of Consumer Affairs  
21 State of California  
22 Complainant

21 SF2014407198  
22 40885909.doc