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

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

Case No. 5243

14 **DEBBIE RENEE CLARK**  
15 **aka LISA LEEPER**  
16 **aka KIM CONLEY**

**STATEMENT OF ISSUES**

17 Pharmacy Technician Registration

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

24 2. On or about October 15, 2013, the Board received an application for a Pharmacy  
25 Technician Registration from Debbie Renee Clark, also known as Lisa Leeper and Kim Conley  
26 (Respondent). On or about October 3, 2013, Debbie Renee Clark certified under penalty of  
27 perjury to the truthfulness of all statements, answers, and representations in the application. The  
28 Board denied the application on April 17, 2014.

///

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 unless otherwise  
4 indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 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  
10 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
11 board is permitted to take following the establishment of a conviction may be taken when the  
12 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
13 an order granting probation is made suspending the imposition of sentence, irrespective of a  
14 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

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

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

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

22 “(b) Notwithstanding any other provision of this code, a person shall not be denied a  
23 license solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
24 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
25 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
26 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
27 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
28 Section 482.

1           “(c) Notwithstanding any other provisions of this code, a person shall not be denied a  
2 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
3 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
4 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
5 of the dismissal.

6           “(d) A board may deny a license regulated by this code on the ground that the applicant  
7 knowingly made a false statement of fact that is required to be revealed in the application for the  
8 license.”

9           5.     Section 490 states, in pertinent part:

10           “(a) In addition to any other action that a board is permitted to take against a licensee, a  
11 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
12 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
13 or profession for which the license was issued.

14           “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
15 discipline a licensee for conviction of a crime that is independent of the authority granted under  
16 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
17 of the business or profession for which the licensee's license was issued.

18           “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
19 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
20 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
21 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
22 made suspending the imposition of sentence, irrespective of a subsequent order under the  
23 provisions of Section 1203.4 of the Penal Code.”

24           6.     Section 493 states:

25           “Notwithstanding any other provision of law, in a proceeding conducted by a board within  
26 the department pursuant to law to deny an application for a license or to suspend or revoke a  
27 license or otherwise take disciplinary action against a person who holds a license, upon the  
28 ground that the applicant or the licensee has been convicted of a crime substantially related to the

1 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
2 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
3 and the board may inquire into the circumstances surrounding the commission of the crime in  
4 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
5 qualifications, functions, and duties of the licensee in question. As used in this section, 'license'  
6 includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

7 7. Section 4300 provides in pertinent part, that every license issued by the Board is  
8 subject to discipline, including suspension or revocation.

9 8. Section 4301 states, in pertinent part:

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

13 . . . .

14 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
15 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
16 whether the act is a felony or misdemeanor or not.

17 "(g) Knowingly making or signing any certificate or other document that falsely  
18 represents the existence or nonexistence of a state of facts.

19 . . . .

20 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
23 substances or of a violation of the statutes of this state regulating controlled substances or  
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
26 The board may inquire into the circumstances surrounding the commission of the crime, in order  
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
3 of this provision. The board may take action when the time for appeal has elapsed, or the  
4 judgment of 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 Section 1203.4 of  
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
8 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 states, in pertinent part:

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

### 19 FIRST CAUSE FOR DENIAL OF APPLICATION

#### 20 (Convictions of Crimes)

21 10. Respondent is subject to disciplinary action under section 480, subdivision (a)(1), in  
22 that Respondent was convicted of crimes, as follows:

23 a. On or about November 3, 2008, after pleading guilty, Respondent was convicted of  
24 one felony count of violating Penal Code section 487, subdivision (a) [grand theft] in the criminal  
25 proceeding entitled *The People of the State of California v. Debbie Renee Clark* (Super. Ct. Los  
26 Angeles County, 2008, No. YA073284). The circumstances underlying the conviction are that on  
27 or about, October 16, 2008, Respondent entered JC Penney's located at 21840 Hawthorne Blvd,  
28 with a baby stroller, and a child inside. Respondent selected several items of merchandise,

1 concealed them inside the stroller, behind her child, and exited the store without paying for the  
2 merchandise. The Court sentenced Respondent to serve 365 days in Los Angeles County Jail and  
3 placed her on three (3) years formal probation, with terms and conditions. On or about October  
4 24, 2011, the conviction was dismissed pursuant to Penal Code section 1203.4.

5 b. On or about October 23, 2008, Respondent was convicted of one misdemeanor count  
6 of violating Penal Code section 853.7 [failure to appear on a written promise] in the criminal  
7 proceeding entitled *The People of the State of California v. Debra Renee Clark* (Super. Ct. Los  
8 Angeles County, 2008, No. SD638762). The circumstances underlying the conviction are that  
9 Respondent was found to have violated her written promise to appear at Compton Superior Court,  
10 at 8:00 a.m., on or before January 4, 2008, which she made on or about November 1, 2007, when  
11 she was cited for fare evasion in violation of Penal Code section 640(b), a misdemeanor.  
12 Respondent was ordered to pay a fine.

13 c. On or about August 1, 2003, Respondent was convicted of one misdemeanor count of  
14 violating Penal Code section 853.7 [failure to appear after a written promise] in the criminal  
15 proceeding entitled *The People of the State of California v. Debbie Renee Clark* (Super. Ct. Los  
16 Angeles County, 2003, No. SD14188719). The circumstances underlying the conviction are that  
17 Respondent was found to have violated her written promise to appear at Compton Superior Court,  
18 at 8:00 a.m., on or before April 29, 2002, which she made on or about March 1, 2002, when she  
19 was cited for fare evasion in violation of Penal Code section 640(b), a misdemeanor. Respondent  
20 was ordered to pay a fine.

21 d. On or about October 16, 2003, after pleading nolo contendere, Respondent was  
22 convicted of one felony count of violating Penal Code section 470, subdivision (d) [false  
23 checks/records/ certificates] in the criminal proceeding entitled *The People of the State of*  
24 *California v. Debbie Renee Clark* (Super. Ct. Los Angeles County, 2003, No. NA057919). The  
25 circumstances underlying the conviction are that on or about July 28, 2003, Respondent handed  
26 the clerk at a Coast Liquor Locker store a check in exchange for US Currency. The check was  
27 made out to Respondent for \$2,330. The check appeared to be a Bank of America check. The  
28 clerk cashed the check for the Respondent. Subsequently, the check was returned to the store with

1 a red stamp, "Account Not Found." The Court sentenced Respondent to serve 365 days in Los  
2 Angeles County Jail and placed her on 36 months probation. On or about July 3, 2013, the  
3 conviction was dismissed pursuant to Penal Code section 1203.4.

4 e. On or about November 8, 2000, after pleading guilty, Respondent was convicted of one  
5 felony count of violating Penal Code section 476, subdivision (a) [nonsufficient fund single  
6 check], in the criminal proceeding entitled *The People of the State of California v. Debbie Renee*  
7 *Clark* (Super. Ct. Los Angeles County, 2000, No. VA062286). The circumstances underlying the  
8 conviction are that on or about October 30, 2000, Respondent unlawfully, and fraudulently made,  
9 drew, uttered, and delivered to Carimar, a bank, person, firm, or a corporation, a check and draft  
10 for the payment of money in the sum of \$191.50, drawn upon Wells Fargo, a bank, knowing at  
11 the time of making, drawing, or delivering the check that she did not have sufficient funds in, or  
12 credit with, said bank for the payment of that check in full upon its presentation; Respondent at  
13 all said times had the intent to cheat and defraud Wells Fargo and Carimar. The Court sentenced  
14 Respondent to serve 90 days in Los Angeles County Jail and placed her on 36 months formal  
15 probation, with terms and conditions. On or about June 18, 2013, the conviction was dismissed  
16 pursuant to Penal Code section 1203.4.

17 f. On or about November 3, 2000, after pleading nolo contendere, Respondent was  
18 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (b)(3)  
19 [grand theft by a servant] in the criminal proceeding entitled *The People of the State of California*  
20 *v. Debbie Renee Clark* (Super. Ct. Los Angeles County, 2000, No. 0CR27528). The  
21 circumstances underlying the conviction are that on or about December 2, 1999, Respondent,  
22 took, stole or carried away, money, labor, real or personal property, from her employer, Long's  
23 Drugs store, in an amount of at least \$950.00, in a 12-month consecutive period. The Court  
24 sentenced Respondent to serve 60 days in Los Angeles County Jail and placed her on 36 months  
25 probation, with terms and conditions. On or about May 19, 2014, the conviction was dismissed  
26 pursuant to Penal Code section 1203.4.

27 g. On or about November 17, 1999, after pleading nolo contendere, Respondent was  
28 convicted of one misdemeanor count of violating Penal Code section 476, subdivision (a)

1 [insufficient funds], in the criminal proceeding entitled *The People of the State of California v.*  
2 *Debbie Renee Clark* (Super. Ct. Los Angeles County, 1999, No. 7LM00208). The circumstances  
3 underlying the conviction are that on or about January 29, 1996, Respondent willfully, with  
4 intent to defraud, made, drew upon or delivered a check upon Long Beach City College  
5 Bookstore for the payment of money in the total sum of \$742.61, drawn upon a bank, to wit:  
6 Great Western Bank, knowing at the time of such making, drawing, or delivering that she did not  
7 have sufficient funds in, or credit with, the bank for the payment of that check in full upon its  
8 presentation; Respondent at all said times had the intent to cheat and defraud Great Western  
9 Bank. The Court placed Respondent on three (3) years probation and ordered her to pay fines and  
10 restitution.

11 h. On or about November 2, 2000, Respondent admitted to violating probation in open  
12 court and probation was revoked and reinstated on same terms and conditions with the  
13 modification of ordering Respondent to serve ten (10) days in county jail. Respondent also  
14 stipulated to paying \$742.61 in restitution to Washington Mutual Bank. On or about July 30,  
15 2003, Respondent admitted to violating her probation in open court. Respondent had tried to cash  
16 a bad check. The Court revoked and reinstated Respondent's probation on the same terms and  
17 conditions with the modification of ordering Respondent to pay restitution in the amount of  
18 \$742.51 to victim restitution. On or about February 24, 2004, during a restitution hearing, the  
19 Court extended Respondent's probation for an additional five (5) years. On or about October 24,  
20 2008, Respondent admitted to violating her probation in open court. The Court revoked and  
21 reinstated Respondent's probation on the same terms and conditions with the modification of  
22 ordering Respondent to serve eight (8) days in county jail.

23 i. On or about August 13, 1996, after pleading nolo contendere, Respondent was  
24 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand  
25 theft] in the criminal proceeding entitled *The People of the State of California v. Debbie Renee*  
26 *Clark* (Super. Ct. Los Angeles County, 1996, No. 6CR20549). The circumstances underlying the  
27 conviction are that on or about August 10, 1996, Respondent stole, took, or carried away, money,  
28 labor, real or personal property from Robinsons May store, while working as an employee of the



1 store. The Court sentenced Respondent to serve 30 days in Los Angeles County Jail and placed  
2 her on 24 months probation, with terms and conditions. On or about May 19, 2014, the conviction  
3 was dismissed pursuant to Penal Code section 1203.4.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Acts Involving Dishonesty, Fraud, or Deceit)**

6 11. Respondent is subject to disciplinary action under section 480, subdivision (a)(2), in  
7 that Respondent committed acts involving dishonesty, fraud, or deceit, with the intent to  
8 substantially benefit herself or substantially injure another. Complainant refers to, and by this  
9 reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) through  
10 (i), inclusive, as though set forth fully.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Knowingly Making a False Statement of Fact )**

13 12. Respondent is subject to disciplinary action under sections 480, subdivision (c), in  
14 that Respondent knowingly made a false statement of fact by failing to disclose her November 17,  
15 1999, October 24, 2003, and November 19, 2008, convictions on her application for licensure.  
16 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
17 paragraph 10, subparagraphs (a), (c) and (g), inclusive, as though set forth fully. In addition,  
18 Respondent signed and certified under the penalty of perjury, under the laws of the State of  
19 California, that the foregoing was true and correct and her application for licensure.

20 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

21 **(Acts Warranting Denial of Licensure)**

22 13. Respondent's application is subject to denial under sections 4301, subdivision (p) and  
23 480, subdivisions (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a  
24 licentiate of the business and profession in question, would be grounds for suspension or  
25 revocation of her license as follows:

26 a. Respondent was convicted of a crime substantially related to the qualifications,  
27 functions, or duties of a pharmacy technician which to a substantial degree evidence her present  
28 or potential unfitness to perform the functions authorized by her license in a manner consistent

1 with the public health, safety, or welfare, in violation of sections 4301, subdivision (l) and 490, in  
2 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,  
3 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs  
4 (a) through (h), inclusive, as though set forth fully.

5 b. Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit,  
6 with the intent to substantially benefit herself or substantially injure another, in violation of  
7 section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the  
8 allegations set forth above in paragraph 10 and 11, inclusive, as though set forth fully.

9 c. Respondent knowingly made a false statement of fact by failing to disclose her  
10 November 17, 1999, October 24, 2003, and November 19, 2008 conviction cases against her on  
11 her application for licensure, in violation of section 4301, section (g). Complainant refers to, and  
12 by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a),  
13 (c), and (g) and 12, inclusive, as though set forth fully.

14 **PRAYER**

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

- 17 1. Denying the application of Debbie Renee Clark, also known as Lisa Leeper, also  
18 known as Kim Conley for a Pharmacy Technician Registration; and  
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: \_\_\_\_\_

4/24/15

21 

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

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