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7 *Attorneys for Complainant*

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:

Case No. 5279

12 **SONGUL AFACAN YAPRAK**

STATEMENT OF ISSUES

13 Intern Pharmacist Registration Applicant

14 Respondent.

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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 (Board).

22 2. On or about December 20, 2013, the Board received an application for an Intern
23 Pharmacist Registration from Songul Afacan Yaprak (Respondent). On or about December 18,
24 2013, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
25 and representations in the application. The Board denied the application on June 10, 2014.

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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 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:

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

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

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

22 5. Section 4030 of the Code states:

23 "‘Intern pharmacist’ means a person issued a license pursuant to Section 4208."

24 6. Section 4114 of the Code states:

25 "(a) An intern pharmacist may perform all functions of a pharmacist at the discretion of and
26 under the direct supervision and control of a pharmacist whose license is in good standing
27 with the board."

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1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

4 **CAUSE FOR DENIAL OF APPLICATION**

5 **(Unprofessional Conduct)**

6 11. Respondent's application is subject to denial under Code section 480, subdivision
7 (a)(3)(A), for violating Code sections 4301, subdivisions (f) and (o) and 4115, subdivision (c), in
8 that she performed the duties of an intern pharmacist without a license and which duties were
9 beyond the scope and judgment of a pharmacy technician. The circumstances are as follows:

10 a. On or about July 18, 2007, the Board issued Pharmacy Technician License No. TCH
11 76657 to Respondent. The Pharmacy Technician License was in full force and effect at all times
12 relevant to the charges brought herein and will expire on January 31, 2015, unless renewed.

13 Respondent obtained a foreign Bachelor of Science degree in Pharmacy but does not have an
14 intern pharmacist license issued by the Board in accordance with Code sections 4030, 4114, and
15 4208.

16 b. On or about October 17, 2013, the Board received Respondent's Pharmacy Intern
17 Hours Affidavit, which was certified by Pharmacist-in-Charge Ali Mashayekhi under penalty of
18 perjury that Respondent had worked at Care Plus Pharmacy, Inc. located at 19015 Ventura Blvd in
19 Tarzana as an intern pharmacist from March 10, 2008 to about October 8, 2013.

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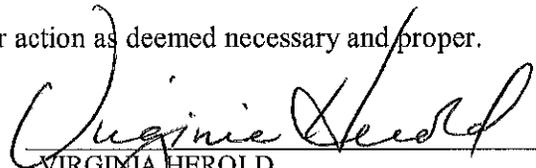
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PRAYER

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

1. Denying the application of Songul Afacan Yaprak for an Intern Pharmacist Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 1/19/15



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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