

1 KAMALA D. HARRIS
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
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
12 Against:

Case No. 5310

13 **KYLE JAMES GALLAGHER**

STATEMENT OF ISSUES

14 **Applicant for Pharmacy Technician License**

15 Respondent.

16
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 December 3, 2013, the Board of Pharmacy received an application for
22 registration as a pharmacy technician from Kyle James Gallagher (Respondent). On or about
23 December 2, 2013, Respondent certified under penalty of perjury to the truthfulness of all
24 statements, answers, and representations in the application. The Board denied the application on
25 August 6, 2014.

26 ///

27 ///

28 ///

1 information with the driver of the damaged vehicle. When police officers with the Vacaville
2 Police Department responded to Respondent's residence after the incident, Respondent told one
3 of the officers that he had been drinking all day. Respondent was then arrested for driving under
4 the influence of alcohol. A blood sample taken from Respondent on January 22, 2013 indicated
5 that his blood alcohol count was 0.37%.

6 **FIRST CAUSE FOR DENIAL OF APPLICATION**

7 **(Conviction of Substantially Related Crime)**

8 10. Respondent's application is subject to denial under the following section(s) of the
9 Code: 480, subdivision (a)(1); 480, subdivision (a)(3)(B) by reference to 4301, subdivision (l),
10 4300, subdivision (c), and California Code of Regulations, title 16, section 1770, for conviction of
11 a substantially related crime, in that on or about September 3, 2014, as described above in
12 paragraph 9, Respondent suffered a substantially related conviction.

13 **SECOND CAUSE FOR DENIAL OF APPLICATION**

14 **(Use of Alcohol in a Dangerous Manner)**

15 11. Respondent's application is subject to denial under sections 4300, subdivision (c) and
16 4301, subdivision (h) of the Code in that on or about February 5, 2012 and January 22, 2013, as
17 described above in paragraphs 8 and 9.a., Respondent used alcohol in a dangerous manner.

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

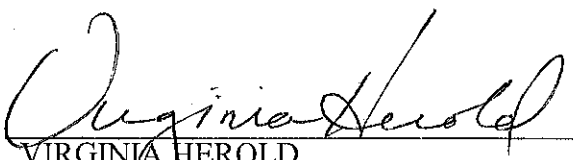
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Denying the application of Kyle James Gallagher to be a pharmacy technician;
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

SF2014409840
41155989.doc