

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
4 State Bar No. 225325  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2542  
6 Facsimile: (213) 897-2804

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. 5415

13 **LAURA MARTIN DEL CAMPO**  
14 **aka LAURA BARRAZA**

**STATEMENT OF ISSUES**

14 Pharmacy Technician Registration Applicant

15 Respondent.

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 (Board), Department of Consumer  
21 Affairs.

22 2. On or about June 23, 2014, the Board received an application for a Pharmacy  
23 Technician Registration from Laura Martin Del Campo aka Laura Barraza (Respondent). On or  
24 about June 20, 2014, Respondent certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied the application on  
26 February 2, 2015.

27 ///

28 ///

**JURISDICTION**

3. This Statement of Issues is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 states, in pertinent part:

.....

“(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, including, but not limited to, the following:

“(1) Medical or psychiatric evaluation.

“(2) Continuing medical or psychiatric treatment.

“(3) Restriction of type or circumstances of practice.

“(4) Continuing participation in a board-approved rehabilitation program.

“(5) Abstention from the use of alcohol or drugs.

“(6) Random fluid testing for alcohol or drugs.

“(7) Compliance with laws and regulations governing the practice of pharmacy.”

**STATUTORY AND REGULATORY PROVISIONS**

5. Section 480 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. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

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

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

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

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

15           “(c)     Notwithstanding any other provisions of this code, a person shall not be denied a  
16 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
17 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
18 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
19 of the dismissal.”

20           6.     Section 4301 states, in pertinent part:

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

24                         ...

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

28                         ....

1           "(I) The conviction of a crime substantially related to the qualifications, functions, and duties  
2 of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
4 substances or of a violation of the statutes of this state regulating controlled substances or  
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
6 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

7 The board may inquire into the circumstances surrounding the commission of the crime, in order to  
8 fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
9 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
10 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
11 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
12 of this provision. The board may take action when the time for appeal has elapsed, or the  
13 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
14 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
15 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
16 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
17 indictment."

18           7. California Code of Regulations, title 16, section 1770, states:

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

25           ///

26           ///

27           ///

28           ///

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of a Substantially Related Crime)**

3 8. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
4 that Respondent was convicted of a crime substantially related to the qualifications, functions, and  
5 duties of a registered pharmacy technician, as follows:

6 a. On or about June 21, 2011, after pleading nolo contendere, Respondent was convicted  
7 of one misdemeanor count of violating Penal Code section 484, subdivision (a) [petty theft] in the  
8 criminal proceeding entitled *The People of the State of California v. Laura Barraza* (Super. Ct.  
9 Los Angeles County, 2011, No. 1JB04836.) The Court sentenced Respondent to serve one day in  
10 Los Angeles County Jail and placed her on 3 years probation, with terms and conditions.

11 b. The circumstances surrounding the conviction are that on or about April 21, 2011,  
12 Respondent, while working as a cashier at Wal-Mart, was observed only scanning selected items of  
13 merchandise placed on the counter by a female customer. Respondent then placed all  
14 merchandise, paid and unpaid, into a Wal-Mart shopping bag and handed the shopping bag to the  
15 customer. During a subsequent interview by the store security the Respondent admitted to  
16 allowing merchandise to be taken without paying. She further admitted undercharging the  
17 merchandise of family, friends and other Wal-Mart employees for the last two to three years for a  
18 total loss to Wal-Mart of between \$10,000 - \$15, 000.00.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

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

21 9. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
22 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to  
23 substantially benefit herself, or substantially injure another. Complainant refers to, and by this  
24 reference incorporates, the allegations set forth above in paragraph 8, subparagraph (b), as though  
25 set forth fully

26 ///

27 ///

28 ///

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

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

3 10. Respondent's application is subject to denial under section 480, subdivisions (a)(3)A  
4 and (a)(3)(B), in that Respondent committed acts which if done by a registered pharmacy  
5 technician, would be grounds for suspension or revocation of the license as follows:

6 a. Respondent was convicted of crimes substantially related to the qualifications,  
7 functions, or duties of a pharmacy technician which to a substantial degree evidence her present or  
8 potential unfitness to perform the functions authorized by the license in a manner consistent with  
9 the public health, safety, or welfare, in violation of sections 4031, subdivision (l), in conjunction  
10 with California Code of Regulations, title 16, section 1770. Complainant refers to, and by this  
11 reference incorporates, the allegations set forth above in paragraph 8, subparagraph (a), as though  
12 set forth fully.

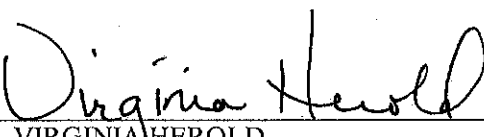
13 b. Respondent committed acts involving dishonesty, fraud, or deceit, in violation of  
14 section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the  
15 allegations set forth above in paragraph 8, subparagraph (b), as though set forth fully.

16 **PRAYER**

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

- 19 1. Denying the application of Laura Martin Del Campo for a Pharmacy Technician  
20 Registration; and  
21 2. Taking such other and further action as deemed necessary and proper.

22  
23  
24 DATED: 8/18/15

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

LA2015500464  
51830075.doc / mc (7/8/15)