

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 TIMOTHY J. McDONOUGH  
Deputy Attorney General  
4 State Bar No. 235850  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-2134  
Facsimile: (510) 622-2270  
7 E-mail: Tim.McDonough@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues  
12 Against:  
13 **KARINA DENISE CASTILLO**  
14 **Pharmacy Technician Registration**  
15 **Applicant**  
16 Respondent.

Case No. 5823

**STATEMENT OF ISSUES**

17  
18 Complainant alleges:

19 PARTIES

- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On or about October 16, 2015, the Board of Pharmacy, Department of Consumer  
23 Affairs received an application for a Pharmacy Technician Registration from Karina Denise  
24 Castillo (Respondent). On or about October 13, 2015, Karina Denise Castillo certified under  
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
26 application. The Board denied the application on March 11, 2016.

27 ///

28 ///



1 license solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
2 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
3 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
4 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
5 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
6 Section 482.

7 "(c) Notwithstanding any other provisions of this code, a person shall not be denied a  
8 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
9 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
10 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
11 of the dismissal.

12 "(d) A board may deny a license regulated by this code on the ground that the applicant  
13 knowingly made a false statement of fact that is required to be revealed in the application for the  
14 license."

15 6. Section 4301 of the Code states, in relevant part:

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

19 "(a) Gross immorality.

20 ...

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

24 ...

25 "(l) The conviction of a crime substantially related to the qualifications, functions, and  
26 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
3 The board may inquire into the circumstances surrounding the commission of the crime, in order  
4 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or  
5 dangerous drugs, to determine if the conviction is of an offense substantially related to the  
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
7 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
8 of this provision. The board may take action when the time for appeal has elapsed, or the  
9 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
10 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
11 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
12 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
13 indictment.”

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

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

21 8. California Code of Regulations, title 16, section 1769, states:

22 "(a) When considering the denial of a facility or personal license under Section 480 of the  
23 Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his  
24 present eligibility for licensing or registration, will consider the following criteria:

25 "(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for  
26 denial.

27 "(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under  
28 consideration as grounds for denial under Section 480 of the Business and Professions Code.



1 console and games she was wearing sunglasses and a hat, but claimed that she always wears  
2 sunglasses and a hat. Officers arrested Respondent for burglary and receiving stolen property.

3 10. On or about January 18, 2012, in a criminal matter entitled *The People of the State of*  
4 *California v. Karina Denise Castillo*, in the Napa County Superior Court, Case No. CR150305,  
5 Respondent, based on a plea of no contest, was convicted of receiving stolen property (Pen.  
6 Code, § 496, subd. (a)), a misdemeanor. The court sentenced Respondent to serve 4 days in jail,<sup>1</sup>  
7 and placed her on probation for two years with various conditions, and ordered her to pay a fine of  
8 \$100.00.

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**  
10 **(Conviction of Substantially Related Crime)**  
11 **(Bus. & Prof. Code §§ 480, subd. (a)(1))**

12 11. Respondent's application for a Pharmacy Technician Registration is subject to denial  
13 under Code sections 480, subdivision (a)(1), in that, on or about January 18, 2012, Respondent  
14 was convicted of a crime substantially related to the qualifications, functions, and duties of a  
15 registered pharmacy technician. The circumstances are explained in paragraphs 9 and 10, above.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**  
17 **(Dishonest Act)**  
18 **(Bus. & Prof. Code §§ 480, subd. (a)(2))**

19 12. Respondent's application for a Pharmacy Technician Registration is subject to denial  
20 under Code section 480, subdivision (a)(2), in that, on or about October 27, 2011, Respondent  
21 committed an act involving dishonesty. The circumstances are explained in paragraphs 9 and 10,  
22 above.

23 **THIRD CAUSE FOR DENIAL OF APPLICATION**  
24 **(Committed Act Which Could Be Basis For Discipline Against Licensee)**  
25 **(Bus. & Prof. Code §§ 480, subd. (a)(3), 4301, subd. (I))**

26 13. Respondent's application for a Pharmacy Technician Registration is subject to denial  
27 under Code section 480, subdivision (a)(3), by reference to Code section 4301, subdivision (I), in  
28 that Respondent committed an act that if done by a registered pharmacy technician would be  
grounds for suspension or revocation of the registration (Bus. & Prof. Code, § 480, subd. (a)(3)).

<sup>1</sup> At the time of the sentencing, Respondent was given credit for four days of jail time already served.

1 Specifically, Respondent was convicted of a crime substantially related to the qualifications,  
2 functions, and duties of a registered pharmacy technician (Bus. & Prof. Code, § 4301, subd. (1)).  
3 The circumstances are explained in paragraphs 9 and 10, above.

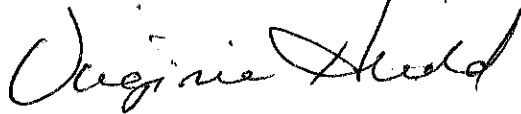
4 PRAYER

5 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
6 Statement of Issues, and that following the hearing, the Board of Pharmacy issue a decision:

- 7 1. Denying the application of Karina Denise Castillo for a Pharmacy Technician  
8 Registration;  
9 2. Taking such other and further action as deemed necessary and proper.

10  
11 DATED: \_\_\_\_\_

8/11/16



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

12  
13  
14  
15  
16 SF2016900307  
90671950.doc