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

10 In the Matter of the Statement of Issues
11 Against:

Case No. 5847

12 **HEATHER LYNN DIXON**

STATEMENT OF ISSUES

13 **Pharmacist License Applicant**

14 Respondent.

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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 2. On or about October 30, 2015, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a Pharmacist License from Heather Lynn Dixon (Respondent).
25 On or about October 28, 2015, Heather Lynn Dixon certified under penalty of perjury to the
26 truthfulness of all statements, answers, and representations in the application. The Board denied
27 the application on March 30, 2016.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code states in relevant 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 time
12 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an
13 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 licensee 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 5. Section 482 states:

23 “Each board under the provisions of this code shall develop criteria to evaluate the
24 rehabilitation of a person when:

25 “(a) Considering the denial of a license by the board under Section
26 480; or

27 “(b) Considering suspension or revocation of a license under
28 Section 490.

“Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.”

6. Section 493 states:

“Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question. As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

REGULATORY PROVISION

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

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

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction of a Substantially Related Crime)

8. Respondent's application for a Pharmacist License is subject to denial under Code sections 480, subdivision (a)(1), 480, subdivision (a)(3) and California Code of Regulations, title 16, section 1770, in that she was convicted of a crime that is substantially related to the qualifications, duties, and functions of a licensed pharmacist. The circumstances are as follows:

1 a. On or about February 26, 2009 in a criminal proceeding entitled *The People of the*
2 *State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2009, No.
3 8PS68080), Respondent was convicted of one misdemeanor count of violating Vehicle Code
4 section 23103, subdivision (a) [reckless driving]. Respondent was ordered to serve one day in jail
5 and placed on 24 months summary probation, with terms and conditions. The case was dismissed
6 on or about April 22, 2011 pursuant to Penal Code section 1203.4.

7 b. On or about December 19, 2012 in a criminal proceeding entitled *The People of the*
8 *State of California v. Heather Lynn Dixon* (Super. Ct., Los Angeles County, 2012, No.
9 BA398297), Respondent was convicted of one misdemeanor count for violating Vehicle Code
10 section 14610.1, subdivision (a) [manufacture/sell ID similar to CDL]. Respondent was placed
11 on 24 months probation. Her case was dismissed on or about March 27, 2015 pursuant to Penal
12 Code section 1203.4. The circumstances underlying this conviction are that in 2008, Respondent
13 began working with a friend to manufacture and distribute counterfeit driver's licenses in
14 California and Texas. Respondent acted as the "middle-man" which involved contacting "clients"
15 who were often underage students wanting counterfeit driver's licenses and assisting them in
16 getting the counterfeit license.

17 **SECOND CAUSE FOR DENIAL OF APPLICATION**

18 **(Act Involving Dishonesty, Fraud, or Deceit)**

19 9. Respondent's application for a Pharmacist License is subject to denial under
20 Code sections 480, subdivision (a)(2) and California Code of Regulations, title 16, section 1770,
21 in that she committed an act involving dishonesty, fraud, or deceit with the intent to substantially
22 benefit herself or another, or substantially injure another. Complainant realleges paragraph 8(b)
23 above.

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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 of Pharmacy issue a decision:

1. Denying the application of Heather Lynn Dixon for a Pharmacist License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 6/10/16



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

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