1	1 XAVIER BECERRA		
2	Attorney General of California KENT D. HARRIS		
3	Supervising Deputy Attorney General DAVID E. BRICE		
4	Deputy Attorney General		
	1300 I Street, Suite 125		
5	P.O. Box 944255 Sacramento, CA 94244-2550		
6	Telephone: (916) 324-8010 Facsimile: (916) 327-8643		
7	Attorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11	N	N (152	
12	Against:	se No. 6153	
13	or sold and or sol		
14	•	ATEMENT OF ISSUES	
15			
16	Respondent.		
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 (Board), Department of Consumer		
22	Affairs.		
23	2. On or about July 11, 2016, the Board received a Pharmacy Technician application		
	from Casey Brooke Jacke (Respondent). On or about July 6, 2016, Respondent certified under		
24	penalty of perjury to the truthfulness of all statements, answers, and representations in the		
25	application. The Board denied the application on March 24, 2017.		
26			
27	///		
28			
11	11		

STATUTORY AND REGULATORY PROVISIONS

- 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 480 of the Code 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:
- (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- (3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- (B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.
- (d) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license.
- 5. Section 4300(c) of the Code states, in pertinent part: "The board may refuse a license to any applicant guilty of unprofessional conduct...."
 - 6. Section 4301 of the Code states, in pertinent part:

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

- (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.
- (g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

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.

FACTUAL BACKGROUND

8. On or about May 19, 2011, in a criminal proceeding entitled *People v. Casey Brooke Calhoun-Jaeke* in El Dorado County Superior Court, Case Number S10CRF0330, Respondent was convicted by plea of guilty to two violations of Penal Code section 530.5(a) (identity theft), both misdemeanors. The circumstances are that on or about October 29, 2010, and again on or about November 28, 2010, Respondent obtained the personal indentifying information of D.J.C. without authorization, and used that information to apply for credit cards in the name of D.J.C. without consent. Respondent was sentenced to 3 years summary probation, 480 hours of community service, and ordered to maintain involvement in employment, educational activities, or community service for not less than 5 days a week, 8 hours a day. On or about May 24, 2013, the case was dismissed under Penal Code section 1203.4. In a letter to the Board dated October 7, 2016, Respondent admitted to applying for credit cards using D.J.C's name and information.

FIRST CAUSE FOR DENIAL OF APPLICATION

(False Statement on Application for Licensure)

9. Respondent's application is subject to denial under Code sections 480(d), 4300(c),
and 4301(g) in that Respondent knowingly made a false statement of fact on her application for
license. The circumstances are that Respondent marked "No" to the question on her application
regarding prior convictions, and thus failed to disclose the conviction set forth in paragraph 8
above.

///

-///

SECOND CAUSE FOR DENIAL OF APPLICATION 1 (False Statement) 2 Respondent's application is subject to denial under Code sections 480(a)(2), 4300(c), 3 and 4301(f) in that Respondent was guilty of unprofessional conduct in that she knowingly made 4 a false statement with the intent to benefit herself. The circumstances are set forth in paragraph 8 5 above. 6 THIRD CAUSE FOR DENIAL OF APPLICATION 7 (Act That Would Be Grounds for Suspension or Revocation of License) 8 Respondent's application is subject to denial under Code sections 480(a)(3), 4300(c), 9 and 4301(g) in that Respondent was guilty of unprofessional conduct in that she knowingly made 10 a false statement with the intent to benefit herself, which would be grounds for suspension or 11 revocation of a license. The circumstances are set forth in paragraph 8 above. 12 13 PRAYER WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged. 14 and that following the hearing, the Board of Pharmacy issue a decision: 15 1. Denying the application of Casey Brooke Jacke for a Pharmacy Technician 16 Registration; 17 2. Taking such other and further action as deemed necessary and/proper. 18 19 7/10/17 20 21 Executive Officer Board of Pharmacy 22 Department of Consumer Affairs State of California 23 Complainant 24 SA2017107265 25 12724580.docx 26 27 28