

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

SOMER ANNE SCHREIBER,

Respondent.

Case No. 3193

OAH No. 2009010320

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as the decision in the above-entitled matter, except that, pursuant to the provisions of Government Code section 11517, subdivision (c)(2)(C), first paragraph of the ORDER, appearing on page 5 of the Proposed Decision, is hereby modified for technical reasons as follows:

The application of Somer Anne Schreiber for the issuance of a pharmacy technician registration is denied. However, respondent shall be issued a probationary license, upon satisfaction of the following: Respondent shall first meet all statutory and regulatory requirements for the issuance of a pharmacy technician registration. Following the satisfaction of this condition, respondent's license shall be issued and immediately revoked, the order of revocation being stayed and respondent placed on probation for a period of (3) three years on the following terms and conditions:

The technical change made above does not affect the factual or legal basis of the Proposed Decision, which shall become effective on July 11, 2009.

IT IS SO ORDERED this 11th day of June, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Benneth H. Schell

KENNETH H. SCHELL
Board President

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of
Issues Against:

SOMER ANNE SCHREIBER,

Respondent.

Case No. 3193

OAH No. 2009010320

PROPOSED DECISION

Administrative Law Judge Diane Schneider, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on February 27, 2009.

Complainant Virginia Herold, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, was represented by Lydia Zane, Senior Legal Analyst.

Respondent Somer Anne Schreiber represented herself.

The record was left open until March 6, 2009, to allow respondent to submit additional evidence. No such evidence was received, and the matter was submitted for decision on March 6, 2009.

FACTUAL FINDINGS

1. Complainant Virginia Herold made this statement of issues in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On December 18, 2006, respondent submitted an application to the board for registration as a pharmacy technician. The board denied her application on September 4, 2007, and respondent appealed.

3. On March 10, 1999, in the Superior Court of the State of California, County of Humboldt, respondent was convicted, upon her plea, of violating Penal Code section 594, subdivision (b)(4) (vandalism, with less than \$400 in damage), a misdemeanor.¹ The court

¹ The record is not clear as to whether respondent entered a plea of guilty or no contest to the charges.

sentenced respondent to 10 days in jail, with eight days of her sentence suspended. In addition, the court placed respondent on probation for two years and ordered her to pay a fine. On May 22, 2008, the court expunged respondent's conviction pursuant to Penal Code section 1203.4.

4. According to respondent, the facts and circumstances surrounding her conviction for vandalism are that she entered an ex-boyfriend's house and broke a picture.

5. On June 25, 1999, in the Superior Court of the State of California, County of Humboldt, respondent was convicted, upon her plea, of violating Penal Code section 240 (assault), a misdemeanor.² The court suspended imposition of sentence and placed respondent on probation for two years. As conditions of respondent's probation she was ordered to serve 20 days in jail and pay a fine. On May 22, 2008, the court expunged respondent's conviction pursuant to Penal Code section 1203.4.

6. According to respondent, the facts and circumstances surrounding her conviction for assault are that she got into a fight with her ex-boyfriend's girlfriend.

7. On April 5, 2000, in the Superior Court of the State of California, County of Humboldt, respondent was convicted, upon her plea of guilty, of violating Welfare and Institutions Code section 10980, subdivision (c)(2) (welfare fraud), a felony and a crime involving moral turpitude. The court suspended imposition of sentence and placed respondent on formal probation for three years. As conditions of respondent's probation she was ordered to complete 200 hours of community service, make restitution in the amount of \$4,470, and pay other fines and fees. Upon respondent's payment of restitution, on May 22, 2008, the court reduced respondent's felony conviction to a misdemeanor and expunged it pursuant to Penal Code section 1203.4.

8. According to respondent, the facts and circumstances surrounding her conviction for welfare fraud are that she received welfare payments for her son during a 10-month-period when he was also spending several nights a week with his aunt. She stated that she did not deliberately falsify any documents.

9. On August 9, 2001, in the Superior Court of the State of California, County of Humboldt, respondent was convicted, upon her plea of guilty, of violating Penal Code section 476A, subdivision (a) (making or delivering checks with insufficient funds), a misdemeanor and a crime involving moral turpitude. The court suspended imposition of sentence and placed respondent on summary probation for three years. As a condition of respondent's probation she was ordered to make restitution in the amount of \$1,294.71. Respondent made restitution, and on May 22, 2008, the court expunged respondent's conviction pursuant to Penal Code section 1203.4.

² The record is not clear as to whether respondent entered a plea of guilty or no contest to the charges.

10. The facts and circumstances surrounding respondent's conviction for writing bad checks are that between June and November, 1999, she wrote about eight checks to various businesses for merchandise when she did not have sufficient funds to cover the purchases. Respondent completed payment of restitution as of March 21, 2006.

11. Respondent is extremely remorseful for her crimes. She committed all of her offenses over 10 years ago. At that time, she was in her early twenties and was in an abusive relationship. She was also associating with the "wrong" people. Respondent testified that she is "a completely different person" now. In the 10 years that have passed since she committed her offenses, she has worked diligently to put her life in order. She stated that she has "followed every single law in the last 10 years" and no longer associates with the "wrong crowd."

12. In the years following her convictions, she worked at the Open Door Community Center in Eureka. From 2004 to 2008, she worked as a pharmacy clerk at Gold Coast Pharmacy in Eureka. Respondent stated that she has been open and honest about her past with her employers.

13. Respondent has taken significant steps to pursue vocational training and education. Last year she entered the Licensed Vocational Nursing Program at the College of the Redwoods. She has performed very well in school and will graduate from her program in August 2009. Her ultimate goal is to obtain an advanced degree in nursing. Since enrolling in school she has supported herself and her children with funds received from unemployment, child support and federal grants.

14. Respondent is a "single mom." She cares for her two children, ages 11 and 15. Respondent stated that she wants a second chance to prove herself. She is also motivated to succeed out of a desire to give her children everything that they deserve. Respondent feels that she is a good mom and a compassionate person.

15. Erin Thornton, respondent's friend, testified at the hearing. Thornton met respondent about 11 years ago. Since that time, she has seen respondent make vast improvements in her life. Thornton describes respondent as "completely trustworthy, reliable and knowledgeable." Thornton further stated that respondent "goes to school religiously, takes care of her kids and is trying financially to take care of business." Thornton recounted how excited respondent was when she paid off her fines, because she wanted to "get a fresh start."

16. Valerie L. Knight, Pharm. D, has been an inspector for the California State Board of Pharmacy for over 20 years. She opined that respondent's convictions are substantially related to the qualifications or duties of a pharmacy technician. Knight initially testified that based on respondent's convictions, her application for licensure should be denied. After listening to respondent's testimony, however, Knight stated that she was quite impressed with the changes that respondent has made in her life. Knight explained that she was raised in Eureka, and emphasized just how difficult it is to steer clear of the negative

influences there. In light of respondent's progress, Knight opined that she "did not see a problem" with respondent holding a pharmacy technician license on a probationary basis.

17. The testimony of all of the witnesses was forthright and credible in all respects.

LEGAL CONCLUSIONS

1. First Cause for Denial of Application: An application for a pharmacy technician license may be denied if the applicant has been convicted of a crime that is substantially related to the qualifications, functions or duties of a pharmacy technician. (Bus. & Prof. Code, §§ 480, subd. (a)(1), 493.)³ A crime is substantially related to the qualifications, functions or duties of a licensee "if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by her license or registration in a manner consistent with the public health, safety or welfare." (Cal. Code Regs., tit. 16, § 1770.) Based on the matters set forth in Factual Findings 3 through 10, and 16, cause exists to deny respondent's application for licensure under these sections. Respondent's convictions also provide an additional basis for denying her application in that they constitute convictions, which if committed by a licensee, would be grounds for license suspension or revocation. (§§ 4301, subd. (l), 480, subd. (a)(3).)

2. Second Cause for Denial of Application: An application for a pharmacy technician license may be denied if the applicant does any act, which if done by a licensee, would be grounds for license suspension or revocation. (§§ 480, subd. (a)(3), 4301, subd. (f).) Based on the matters set forth in Factual Findings 7 and 9, cause exists to deny respondent's application for licensure under these sections.

3. Rehabilitation: In determining whether or not to grant an application for licensure, the board's paramount concern is the protection of the public. (§ 4313.) Based upon the matters set forth in Factual Findings 11 through 17, it is determined that respondent has rehabilitated herself to the extent that the public interest will be adequately protected by issuing respondent a probationary pharmacy technician registration. The factors considered in making this determination are as follows: Respondent completed all of the terms and conditions of her criminal probations, and her convictions have been expunged. Respondent committed her offenses over 10 years ago, when she was in her early twenties and associating with a "bad crowd." While respondent's misconduct was serious and inexcusable, she takes full responsibility for her offenses and has learned from her mistakes. In the last 10 years respondent has worked hard to be successful. She is extremely motivated to support her children and improve her professional standing. Because the evidence amply established that respondent is genuinely committed to leading a law-abiding and productive life, it is extremely unlikely that she will engage in criminal activity or unprofessional conduct in the future. It is also indicative of respondent's progress, that after hearing respondent's testimony, the board's witness agreed that she did not "see a problem" with

³ All references are to the Business and Professions Code, unless otherwise indicated.

issuing respondent a probationary pharmacy technician registration. Accordingly, assuming that respondent has otherwise met all other requirements for licensure, it would not be against the public interest to issue respondent a pharmacy technician registration license on a probationary basis.

ORDER

The application of respondent Somer Anne Schreiber for registration as a pharmacy technician is denied. A probationary registration, however, shall be issued to respondent for a period of (3) three years upon the following terms and conditions:

1. Obey All Laws
Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy.
2. Reporting to the Board
Respondent shall report to the board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the board.
3. Interview with the Board
Upon receipt of reasonable notice, respondent shall appear in person for interviews with the board upon request at various intervals at a location to be determined by the board. Failure to appear for a scheduled interview without prior notification to board staff shall be considered a violation of probation.
4. Cooperation with Board Staff
Respondent shall cooperate with the board's inspectional program and in the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply shall be considered a violation of probation.
5. Notice to Employers
Respondent shall notify all present and prospective employers of the decision in case number 3193 and the terms, conditions and restrictions imposed on respondent by the decision.

Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his or her employer to report to the board in writing acknowledging the employer has read the decision in case number 3193.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the pharmacist-in-charge and/or owner at every pharmacy of the terms and conditions of the decision in case number 3193 in advance of respondent commencing work at each pharmacy.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician, whether respondent is considered an employee or independent contractor.

6. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

7. Status of License

Respondent shall, at all times while on probation, maintain an active current technician registration with the board, including any period during which suspension or probation is tolled.

If respondent's technician registration expires or is cancelled by operation of law or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

8. Notification of Employment/Mailing Address Change

Respondent shall notify the board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule, if known. Respondent shall notify the board in writing within 10 days of a change in name, mailing address or phone number.

9. Tolling of Probation

It is a violation of probation for respondent to work less than a specific number of hours to be determined by the board or its designee per month as a pharmacy technician. Should respondent, regardless of residency, for any reason cease practicing as a pharmacy technician in California, respondent must notify the board in writing within 10 days of cessation of practice or the resumption of the practice. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three consecutive years.

"Cessation of practice" means any period of time exceeding 30 days in which respondent is not engaged in the practice of a pharmacy technician as defined in sections 4038 and 4115.

10. Violation of Probation

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

11. Completion of Probation

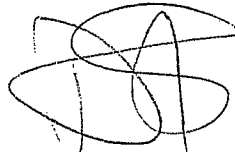
Upon successful completion of probation, respondent's technician registration will be fully restored.

12. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

DATED: March 16, 2009



DIANE SCHNEIDER
Administrative Law Judge
Office of Administrative Hearings

1 EDMUND G. BROWN JR., Attorney General
of the State of California

2 FRANK H. PACOE

Supervising Deputy Attorney General

3 FRANK H. PACOE, State Bar No. 91740

Supervising Deputy Attorney General

4 455 Golden Gate Avenue, Suite 11000

San Francisco, CA 94102-7004

5 Telephone: (415) 703-5556

Facsimile: (415) 703-5480

6 Attorneys for Complainant

7 LYDIA ZANE

8 Senior Legal Analyst

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

12 In the Matter of the Statement of Issues Against:

Case No. 3193

13 SOMER ANNE SCHREIBER

14 3515 I Street

Eureka, California 95503

STATEMENT OF ISSUES

15 Applicant for Pharmacy Technician Registration

16 Applicant/Respondent.

17
18 Complainant alleges:

19 PARTIES

20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in
21 her official capacity as the Executive Officer of the Board of Pharmacy, Department of
22 Consumer Affairs.

23 2. On or about December 18, 2006, the Board of Pharmacy, Department of
24 Consumer Affairs received an application for a Pharmacy Technician's License from Somer
25 Anne Schreiber, Applicant/Respondent(hereafter "Applicant"). On or about November 15,
26 2006, Somer Anne Schreiber certified under penalty of perjury to the truthfulness of all
27 statements, answers, and representations in the application. The Board denied the application on
28 September 4, 2007.

JURISDICTION

1
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 (hereafter "Code") unless otherwise
5 indicated.

6 4. Section 4300 of the Code states in relevant part that:

7 ...

8 (c) The board may refuse a license to any applicant guilty of unprofessional
9 conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a
10 license who is guilty of unprofessional conduct and who has met all other requirements for
11 licensure. The board may issue the license subject to any terms or conditions not contrary to
12 public policy, including, but not limited to, the following:

13 (1) Medical or psychiatric evaluation.

14 (2) Continuing medical or psychiatric treatment.

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

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

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

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

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

20 (d) The board may initiate disciplinary proceedings to revoke or suspend any
21 probationary certificate of licensure for any violation of the terms and conditions of probation.

22 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
23 a regular certificate, free of conditions.

24 (e) The proceedings under this article shall be conducted in accordance with
25 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,
26 and the board shall have all the powers granted therein. The action shall be final, except that the
27 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the
28 Code of Civil Procedure.

1 5. Section 4301 of the Code states in relevant part that unprofessional
2 conduct shall include, but is not limited to, any of the following:

3 ...

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

7 ...

8 (l) The conviction of a crime substantially related to the qualifications, functions,
9 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
10 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
11 substances or of a violation of the United States Code regulating controlled substances or
12 dangerous drugs be conclusive evidence of unprofessional conduct. In all other cases, the record
13 of conviction shall be conclusive evidence only of the fact that the conviction occurred. The
14 board may inquire into the circumstances surrounding the commission of the crime, in order to
15 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
16 dangerous drugs, to determine if the conviction is of an offense substantially related to the
17 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
18 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
19 meaning of this provision. The board may take action when the time for appeal has elapsed, or
20 the judgment of conviction has been affirmed on appeal or when an order granting probation is
21 made suspending the imposition of sentence, irrespective of a subsequent order under Section
22 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
23 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information
24 or indictment.

25

26 6. Section 480 of the Code states:

27 (a) A board may deny a license regulated by this code on the grounds that the
28 applicant has one of the following:

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

7 (2) Done any act involving dishonesty, fraud or deceit with the intent to
8 substantially benefit himself or another, or substantially injure another; or

9 (3) Done any act which if done by a licentiate of the business or profession in
10 question, would be grounds for suspension or revocation of license.

11 The board may deny a license pursuant to this subdivision only if the crime or act
12 is substantially related to the qualifications, functions or duties of the business or profession for
13 which application is made.

14 7. Section 493 of the Code states:

15 Notwithstanding any other provision of law, in a proceeding conducted by a board within
16 the department pursuant to law to deny an application for a license or to suspend or revoke a
17 license or otherwise take disciplinary action against a person who holds a license, upon the
18 ground that the applicant or the licensee has been convicted of a crime substantially related to the
19 qualifications, functions, and duties of the licensee in question, the record of conviction of the
20 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
21 and the board may inquire into the circumstances surrounding the commission of the crime in
22 order to fix the degree of discipline or to determine if the conviction is substantially related to the
23 qualifications, functions, and duties of the licensee in question.

24 As used in this section, "license" includes "certificate," "permit," "authority," and
25 "registration."

26 8. California Code of Regulations, title 16, section 1770, states, that, for the
27 purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division
28 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be

1 considered substantially related to the qualifications, functions or duties of a licensee or
2 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
3 registrant to perform the functions authorized by her license or registration in a manner consistent
4 with the public health, safety, or welfare.

5 FACTUAL BACKGROUND

6 9. On or about March 10, 1999, in the criminal court proceeding entitled
7 *People of California vs. Somer Anne Schreiber*, Superior Court of California, Humboldt County,
8 Eureka Division, Case No. CR983117S, applicant Somer Schreiber was convicted of having
9 violated California Penal Code section 594(b)(4) (vandalism), a misdemeanor. The Court
10 sentenced the applicant to 2 years probation, 10 days jail with 8 days of jail, sentence suspended,
11 and ordered her to pay fines. On or about May 22, 2008, the Court granted the applicant's
12 motion pursuant to Penal Code section 1203.4

13 10. On or about June 25, 1999, in the criminal court proceeding entitled
14 *People of California vs. Somer Anne Schreiber*, Superior Court of California, Humboldt County,
15 Eureka Division, Case No. CR9910393S, the applicant was convicted of having violated
16 California Penal Code section 242 (assault), a misdemeanor. The Court sentenced the applicant
17 to 2 years of probation, 20 days in jail; imposition of sentence suspended, and payment of fines.
18 On or about May 22, 2008, the Court granted the applicant's motion pursuant to Penal Code
19 section 1203.4

20 11. On or about April 5, 2000, in the criminal court proceeding entitled
21 *People of California vs. Somer Anne Schreiber*, Superior Court of California, Humboldt County,
22 Eureka Division, Case No. CR000109S, the applicant was convicted by her plea of guilty for
23 having violated section 10980(c)(2) of the California Welfare and Institutions Code (welfare
24 fraud), a felony. On or about May 22, 2000, the Court sentenced the applicant to formal
25 probation for 3 years and ordered to complete 200 hours of community service work. The Court
26 also ordered the applicant to pay a restitution fine of \$4,470.00 pursuant to Penal Code section
27 1202.4(f), an additional restitution fine of \$600.00 pursuant to Penal Code section 1202.45, and
28 administrative fees pursuant to Penal Code section 1214.5. Further, the Court allowed that, with

1 full restitution, the applicant's felony conviction would be reduced to a misdemeanor. On or
2 about May 14, 2008, the Court reduced the applicant's felony conviction to a misdemeanor
3 pursuant to Penal Code section 17 and granted the applicant's motion pursuant to Penal Code
4 section 1203.4.

5 12. On or about August 9, 2001, in the criminal court proceeding entitled
6 *People of California vs. Somer Anne Schreiber*, Superior Court of California, Humboldt County,
7 Eureka Division, Case No. CR003773S, the applicant was convicted by her plea of guilty for
8 having violated California Penal Code section 476A(a) (making or delivering check(s) with
9 insufficient funds), a misdemeanor. The Court ordered the imposition of the sentence suspended,
10 and sentenced the applicant to conditional revocable release for 3 years with conditions for
11 probation to include payment of restitution in the amount of \$1,294.71. On or about May 22,
12 2008, the Court granted the applicant's motion pursuant to Penal Code section 1203.4

13 FIRST CAUSE FOR DENIAL OF APPLICATION

14 (Conviction of Substantially Related Crimes)

15 13. Applicant Somer Schreiber's application is subject to denial under section
16 480(a)(1) and 480(a)(3) of the Code, pursuant to Code sections 493, 4301(1); and/or 4300(c) by
17 reference to 4301(f) as well as by reference to Title 16, California Code of Regulations, section
18 1770, in that, as set forth in paragraphs 8, 9, 10, and 11, above, the applicant was convicted of
19 crimes substantially related to the qualifications, functions or duties of the license sought.

20 SECOND CAUSE FOR DENIAL OF APPLICATION

21 (Violation of Laws)

22 14. Applicant Somer Schrieber's application is subject to denial under Code
23 section 480(a)(3), by reference to section 4301(f), and/or Code section 4300(c) by reference to
24 4301(f), in that, as described in paragraphs 8, 9, 10, and 11, above, the applicant violated laws
25 regarding vandalism, assault, welfare fraud, and making or delivering checks with insufficient
26 funds.

27 PRAYER

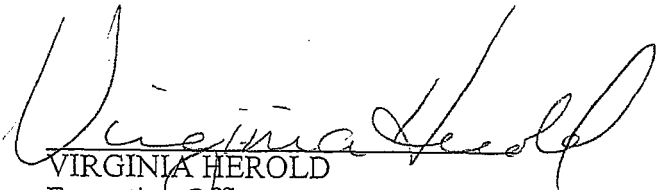
28 WHEREFORE, Complainant requests that a hearing be held on the matters herein

1 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

2 A. Denying the application of Somer Anne Schreiber for registration as a
3 Pharmacy Technician;

4 B. Taking such other and further action as deemed necessary and proper.

5
6 DATED: 12/29/08



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

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