

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

In the Matter of the Statement of Issues Against:

**MOHAMMAD A. KHAN**  
8361 Sheldon Avenue  
Live Oak, CA 95953

Pharmacy Technician Applicant

Respondent.

Case No. 3622

OAH No. 2010080463

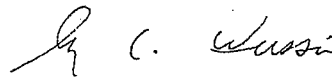
**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This decision shall become effective on July 27, 2011.

It is so ORDERED June 27, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

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Against:

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**PROPOSED DECISION**

Administrative Law Judge Coren D. Wong, Office of Administrative Hearings, State of California, heard this matter in Sacramento, California on April 11, 2011.

Elena L. Almanzo, Deputy Attorney General, represented complainant, Virginia K. Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

There was no appearance by or on behalf of respondent Mohammad A. Khan.

Evidence was received, the record was closed, and the matter was submitted for decision on April 11, 2011.

**SUMMARY**

Complainant seeks to deny respondent's application for a pharmacy technician's license on the grounds that he has four criminal convictions and that he made a misrepresentation on his application when he indicated that he has never been convicted of a crime. There is little evidence of respondent's rehabilitation, and he tried to minimize a traffic accident which he caused and which resulted in another's death by describing the incident as "an accident with injury." Therefore, the overriding need to protect the public weighs against issuing respondent a pharmacy technician's license, even on a probationary basis.

## PROCEDURAL FINDINGS

1. Respondent signed an Application for Registration as a Pharmacy Technician on August 14, 2008. The Board denied the application on October 23, 2009, and respondent filed an appeal on December 21, 2009.
2. Complainant, acting solely in her official capacity as the Executive Officer of the Board, filed the Statement of Issues on or about May 28, 2010, seeking to deny respondent's application on the grounds that he has four criminal convictions and that he made a misrepresentation on his application when he indicated that he has never been convicted of a crime. The Statement of Issues was served on respondent by certified mail, and he returned the Domestic Return Receipt on June 11, 2010.
3. Notice of Continued Hearing was served on respondent by certified mail, and he returned the Domestic Return Receipt on February 4, 2011.
4. This matter was called on the date and at the time and location specified in the Notice of Continued Hearing. Respondent did not appear, no one appeared on his behalf, and the hearing proceeded as a default pursuant to Government Code section 11520.

## FACTUAL FINDINGS

### *Criminal Convictions*

5. On March 26, 2008, respondent pled nolo contendere to, and was convicted of, a misdemeanor violation of Vehicle Code section 23103.5, reckless driving, in the Superior Court of the State of California, in and for the County of Sutter; Case No. CR-TR08-0000368. Imposition of sentence was suspended, and respondent was admitted to summary probation for two years. He was ordered to pay fines totaling \$769 and to enroll in and complete a three-month driving under the influence program.
6. The facts and circumstances of the conviction are that respondent was stopped by an officer from the Yuba City Police Department on January 30, 2008, for speeding and having no license plates on his truck. He had two minors with him. The officer saw two 18-packs of beer in respondent's truck, respondent exhibited objective symptoms of intoxication, and respondent's blood-alcohol content measured .10 percent on a preliminary alcohol screening device. He was arrested for drunk driving and booked into the county jail. His blood-alcohol content measured .08/.07 percent. The two minors were released to one of their mothers.

7. On July 16, 2008, respondent pled nolo contendere to, and was convicted of, a misdemeanor violation of Vehicle Code section 23104, subdivision (a), reckless driving which proximately caused bodily injury to another, in the Superior Court of the State of California, in and for the County of Sutter, Case No. CR-F07-0002729. The matter was continued for preparation of a probation report. On November 10, 2008, respondent was ordered to serve 180 days in the county jail and to pay fines and fees in the amount of \$120. He was also ordered to pay restitution on behalf of the Department of Health in the amount of \$33,813.93 and the Kahlon Family in the amount of \$7,554.34. He was assessed a surcharge of \$4,100. A further restitution hearing was set. On February 13, 2009, respondent was ordered to pay additional restitution in the amount of \$20,020 on behalf of Pal S. Takhar.

8. The facts and circumstances of the conviction are that on April 24, 2007, respondent was traveling at a high-rate of speed on northbound SR-99 in the unincorporated area of Sutter County when his truck rear-ended a Ford Astro minivan driven by Pal Kahlon. The force of the collision caused Mr. Kahlon's minivan to hit a Dodge truck being driven by Pal Takhar. Mr. Kahlon was flown to Mercy Hospital in Sacramento for treatment of his injuries and later died. Mr. Takhar sustained non-life-threatening injuries. Respondent sustained a bloodied lip.

When respondent spoke to a California Highway Patrol officer at the accident scene, he admitted he was speeding when he had come upon Mr. Kahlon's minivan, which was traveling at a much slower speed. Due to the over-sized tires on respondent's truck, he was afraid he would lose control if he swerved to the right shoulder. And while he did not think he would lose control if he swerved to the left lane, there was another car in that lane so he chose to hit Mr. Kahlon's minivan instead.

9. On December 3, 2008, respondent pled guilty to, and was convicted of, a misdemeanor violation of Business and Professions Code section 25665, being a person under the age of 21 years who entered and remained in a licensed public premise without lawful business, in the Superior Court of the State of California, in and for the County of Sutter, Case No. CR-M-080002985. He was ordered to pay fines totaling \$350.

10. The facts and circumstances of the conviction are that on or about September 19, 2008, respondent, who was 19 years old at the time, entered a place where alcohol was served and stayed without having a lawful reason for being there.

11. Also on December 3, 2008, respondent pled nolo contendere to, and was convicted of, a misdemeanor violation of Vehicle Code section 14601.2, subdivision (a), driving a motor vehicle when his driving privilege was suspended or revoked for driving under the influence of alcohol or drugs, in the Superior Court of the State of California, in and for the County of Sutter, Case No. CR-TR-080002306.

Imposition of sentence was suspended, and respondent was admitted to summary probation for two years. He was ordered to spend 10 days in the county jail and pay fines totaling \$1,180.

*Misrepresentation on Application*

12. Question 6 on respondent's application asked, "Have you ever been convicted of or pled no contest to a violation of any law of a foreign country, the United States or any state laws or local ordinances?" He answered, "No." He certified under penalty of perjury the accuracy of the information he wrote on his application on August 19, 2008.

13. On August 15, 2009, respondent wrote the following letter to the Board in an attempt to explain his four convictions and why he did not disclose the first two on his application:

When I applied for a Pharmacy Technician license I was in the process of going to court once a month, for approximately 16 consecutive months, due to an auto accident. Convictions and sentencing were yet to take place. The reason I marked "no" for question number six, "Have you ever been convicted of or pled no contest to a violation of any law" is because I had not yet been convicted of these violations at the time. The first two violations, (VC) 23103/(VC) 230104, are for the same case. On April 20, 2008 I was driving 70 mph in [sic] 65 mph zone which caused an accident with injury [sic]. Accidents do happen and I definitely learned my lesson. The last two, (VC) 14601/25665 are from when I went out and had a little bit to drink and my friends had been there a lot longer than I had. So when I seen [sic] them getting into there [sic] car to go home, [sic] It was obvious that they were making the wrong choice so I took it upon my self [sic] to drive them because I knew I was more capable of driving them home safely.

The choices I made regardless of right or wrong, I made them and paid the price. I have learned from my mistakes and am leading [sic] towards the correct path. I do not want these incidents to interfere with my career choice as a Pharmacy Technician. I worked extremely hard during school to achieve one of my goals and if I am not able to get my license [sic] then it will be a huge disappointment not only to myself but the two people who encouraged me the most, my parents.

I hope you will take this under consideration when you are making a decision. Thank you for this opportunity to explain my actions and for your time. If you have questions or regards [sic] please feel free to contact me at (530) 844-7901.

*Factors in Aggravation, Mitigation, and Rehabilitation*

14. Pharmacy technicians assist pharmacists with filling prescriptions by pulling the proper medication from the shelf, counting or measuring the proper amount of medication to be dispensed, and filling the container with the medication. While a pharmacist must verify the accuracy of the pharmacy technician's work, pharmacists rely on pharmacy technicians to have a certain level of maturity, responsibility, integrity, and good judgment and to perform their duties competently. Also, the consumer must have confidence that his prescription was properly filled.

15. Respondent is 22 years old. He graduated from Live Oak High School in 2006.

16. The day after the accident described in Factual Finding 8, California Highway Patrol Officer D.J. Kleinert inspected the truck respondent was driving at the time of the accident. The original height of the truck had been modified, and the entire frame and body of the truck had been raised from its original factory specifications. Officer Kleinert concluded that this modification violated the Vehicle Code's limitations on the height of motor vehicles.

Officer Kleinert also searched respondent's Department of Motor Vehicles records for prior citations. He learned that respondent had been cited in December 2006 for speeding and not having mud flaps on his truck. Respondent subsequently had mud flaps installed, and a California Highway Patrol officer verified the installation in February 2007. On the date of Officer Kleinert's inspection, there were no mud flaps on the truck.

Officer Kleinert spoke with respondent by telephone. Respondent admitted that there were no mud flaps on the truck and explained that his brother had taken them off so he (the brother) could install different ones. He said his brother received a citation for having no mud flaps when his brother drove the truck the previous month. Respondent admitted that he knew he was supposed to have mud flaps on his truck.

Officer Kleinert also inspected the minivan Mr. Kahlon was driving at the time of the accident. Based on his observations of the minivan and respondent's truck, Officer Kleinert concluded that the modified height of respondent's truck "significantly increased the damages which [Mr. Kahlon's minivan] sustained and further contributed to the severity of [the] collision."

17. The Board has adopted guidelines which are to be considered when deciding whether to deny an application for a license. (Cal. Code Regs., tit. 16, § 1760.) The criteria relevant here include: 1) the nature and severity of the crime(s); 2) the licentiate's total criminal record; 3) the lapse of time since the commission of the offense(s); and 4) aggravating circumstances.

18. Respondent has managed to amass four criminal convictions in less than a nine-month period and before his twenty-first birthday. (Factual Findings 5, 7, 9, and 11.) The acts underlying those convictions took place over the course of a seventeen-month period and before his twentieth birthday. (Factual Findings 6, 8, 10, and 12.) One of those convictions arises out of an accident he caused and which resulted in the death of another. (Factual Findings 7 and 8.) Another involves his consumption of alcohol with minors (Factual Findings 6 and 13).

19. In his August 15, 2009, letter to the Board, respondent attempted to explain his failure to disclose his first two convictions on his application by stating that both arise from the same case. (Factual Finding 13.) He is wrong. The first conviction was based on his having driven drunk on January 30, 2008. (Factual Finding 6.) The second was based on an accident he caused on April 24, 2007. (Factual Finding 8.)

20. Respondent also states that “[c]onvictions and sentencing were yet to take place.” (Factual Finding 13.) Again, he is wrong. His first conviction occurred, and he was sentenced, on March 26, 2008. (Factual Finding 5.) The second occurred on July 16, 2008, barely one month before he signed his application. (Factual Findings 7 and 12.) That he was not sentenced until after he signed his application is of no consequence. (See, *People v. Jones* (1995) 33 Cal.App.4th 1087, 1093-1094 [a defendant suffers a conviction upon entry of his guilty or nolo contendere plea].)

21. Respondent’s letter to the Board shows that he has not accepted responsibility for having driven drunk with minors in the car or driven recklessly and killed someone. He described the latter incident as “an accident with injury” and explains that “accidents do happen . . . .” (Factual Finding 13; see, *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940 [“Fully acknowledging the wrongfulness of his actions is an essential step towards rehabilitation.”].) And he explains that his not receiving his pharmacy technician’s license “will be a huge disappointment not only to myself [sic] but the two people who encouraged me the most, my parents.” (Factual Finding 13; see, *In re Jackson* (March 30, 2011, B228409) \_\_ Cal.App.4th \_\_ (2011 WL 1142854, 8 [“A lack of remorse thus can be considered by a court as a factor tending to show an inmate’s unsuitability for parole.”])

## LEGAL CONCLUSIONS

1. Business and Professions Code section 480 allows the Board to deny an application for a license if the applicant has been convicted of a crime. (Bus. & Prof. Code, § 480, subd. (a)(1).) Each of the convictions described in Factual Findings 5, 7, 9, and 11 constitute separate cause for denying respondent’s application pursuant to Business and Professions Code section 480, subdivision (a)(1).

2. The Board may deny an application also when the applicant has engaged in “unprofessional conduct.” (Bus. & Prof. Code, § 4300, subd. (c).) “Unprofessional conduct” includes the conviction of a crime that is substantially related to qualifications, functions, and duties of a pharmacy technician. (Bus. & Prof. Code, § 4301, subd. (l).)

3. Each of respondent’s convictions constitute “unprofessional conduct” and, therefore, separate cause for denying his application.<sup>1</sup> The underlying acts of each conviction establish that all of the convictions are substantially related to the qualifications, functions, and duties of pharmacy technician. (Factual Findings 6, 8, 10, and 12.) Each of those acts demonstrate that he lacks respect for, and is unwilling or unable to comply with, laws designed for the protection of the public, such as those which regulate the functions and duties of a pharmacy technician. Furthermore, each reflect poorly on his maturity, responsibility, integrity, and good judgment, qualities which are essential to his profession, and tend to undermine public confidence in and respect for pharmacy technicians. (Factual Finding 14; see, *Griffith v. Superior Court* (2002) 96 Cal.App.4th 757, 770-771 [analyzing factors used to determine whether a crime is substantially related to the qualifications, functions, and duties of particular profession].)

4. Unprofessional conduct also includes any act involving moral turpitude. (Bus. & Prof. Code, § 4301, subd. (f).) And each of respondent’s convictions is based on an underlying act involving moral turpitude. (Factual Findings 6, 8, 10, and 12, see, *Jacobs v. State Bar of California* (1933) 219 Cal. 59, 64 [“Moral turpitude comprises everything done contrary to justice, honesty, or good morals.”]) Therefore, separate cause to deny his application exists pursuant to Business and Professions Code sections 4300, subdivision (c), and 4301, subdivision (f).

5. Unprofessional conduct includes “the . . . use of . . . alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public . . . .” (Bus. & Prof. Code, § 4301, subd. (h).) Only the conviction described in Factual Findings 5 and 6 establishes separate cause for denying respondent’s application pursuant to Business and Professions Code sections 4300, subdivision (c), and 4301, subdivision (h). (See, *Griffiths v. Superior Court, supra*, 96 Cal.App.4th at p. 770

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<sup>1</sup> See, Evidence Code section 452.5, subdivision (b) [a certified copy of an official record of conviction is admissible to prove “the commission, attempted commission, or solicitation of a criminal offense, prior conviction, service of prison term, or other act, condition, or event recorded by the record”]; *People v. Duran* (2002) 97 Cal.App.4th 1448, 1460-1461 [Evid. Code, § 452.5, subd. (b) creates a hearsay exception which allows for admission of qualified court record to not only prove fact of conviction but also that offense reflected in record actually occurred].



[“Alcohol consumption quickly affects normal driving ability, and driving under the influence of alcohol threatens personal safety and places the safety of the public in jeopardy.”].)

6. No cause exists for denying respondent’s application for having engaged in unprofessional conduct by having more than one conviction involving the use, consumption, or self-administration alcohol. (Bus. & Prof. Code, § 4301, subd. (k).) Only the conviction described in Factual Finding 6 involves his use, consumption, or self-administration of alcohol.

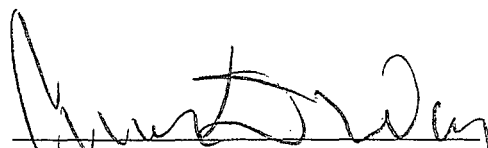
7. Separate cause to deny respondent’s application exists based on a misrepresentation on his application. (Bus. & Prof. Code, §§ 480, subd. (c), and 4301, subds. (f) and (g).) He certified under penalty of perjury that he had not been convicted of any crimes when he signed his application on August 19, 2008. (Factual Finding 12.) But his first conviction was on March 26, 2008, (Factual Finding 5), and his second conviction occurred one month before he signed his application (Factual Finding 7). An inference may be drawn from the recency of the convictions in relation to the date of the application, as well of the circumstances which led to the convictions that he made his misrepresentation “knowingly.” (Factual Findings 6 and 8.)

8. Cause exists to deny respondent’s application for the reasons explained in Legal Conclusions 1, 3, 4, 5, and 7, jointly and severally. And for the reasons explained in Factual Findings 18 through 21, respondent has failed to establish that he is sufficient rehabilitated that it would be in the public’s best interest to issue him a pharmacy technician’s license, even on a probationary basis. Therefore, his application should be denied.

#### ORDER

Respondent Mohammad A. Khan’s application for a pharmacy technician’s license is DENIED.

DATED: April 21, 2011

  
COREN D. WONG  
Administrative Law Judge  
Office of Administrative Hearings

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 ARTHUR D. TAGGART  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

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12 Against:

Case No. 3622

13 **MOHAMMAD A. KHAN**  
14 **8361 Sheldon Avenue**  
**Live Oak, CA 95953**  
**Pharmacy Technician Applicant**

**STATEMENT OF ISSUES**

15 Respondent.

16  
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, Department of Consumer Affairs.

21 2. On or about September 11, 2008, the Board of Pharmacy, Department of Consumer  
22 Affairs received an application for a Pharmacy Technician Registration from Mohammad A.  
23 Khan (Respondent). On or about August 14, 2008, Mohammad A. Kahn certified under penalty  
24 of perjury to the truthfulness of all statements, answers, and representations in the application.

25 The Board denied the application on October 23, 2009.  
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1           5.    Section 4301 of the Code states:

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

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

9                   "(g) Knowingly making or signing any certificate or other document that falsely  
10 represents the existence or nonexistence of a state of facts.

11                   "(h) The administering to oneself, of any controlled substance, or the use of any  
12 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
13 injurious to oneself, to a person holding a license under this chapter, or to any other person  
14 or to the public, or to the extent that the use impairs the ability of the person to conduct with  
15 safety to the public the practice authorized by the license.

16                   "(k) The conviction of more than one misdemeanor or any felony involving the use,  
17 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
18 combination of those substances.

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

11 6. Section 480 of the Code provides:

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

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

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

22 (3)(A) Done any act that if done by a licentiate of the business or profession in question,  
23 would be grounds for suspension or revocation of license.  
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1 (B) The board may deny a license pursuant to this subdivision only if the crime or act is  
2 substantially related to the qualifications, functions, or duties of the business or profession  
3 for which application is made.

4 (b) Notwithstanding any other provision of this code, no person shall be denied a license  
5 solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
6 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01 of Title 6  
7 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she  
8 has met all applicable requirements of the criteria of rehabilitation developed by the board  
9 to evaluate the rehabilitation of a person when considering the denial of a license under  
10 subdivision(a) of Section 482..

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

15  
16 FIRST CAUSE FOR DISCIPLINE  
(Conviction of Crimes)

17 7. Respondent's application is subject to denial under sections 480 and 4300( c) in  
18 conjunction with 4301 (f) , (h), (k), and (l) in that respondent was convicted of crimes  
19 substantially related to the practice of a pharmacy technician. The circumstances follow:

20 A. On or about December 3, 2008, in a case entitled *People v. Mohamed Assad Khan*,  
21 Superior Court of California, County of Sutter, Case No. CRM 08-2985, respondent pled guilty to  
22 a violation of Business and Professions Code section 25665 (minor in a public premise without  
23 lawful business). Said crime is substantially related to the practice of a pharmacy technician.

24 B. On or about December 3, 2008, in a case entitled *People v. Mohamed Assad Khan*,  
25 Superior Court of California, County of Sutter, Case No. CR-TR-08-2306, respondent pled no  
26 contest to a violation of Vehicle Code section 14601.2 (driving a motor vehicle when his driving  
27 privilege was suspended for driving under the influence of alcohol). Said crime is substantially  
28 related to the practice of a pharmacy technician.

1 C. On or about July 16, 2008, in a case entitled *People v. Mohamed Assad Khan*,  
2 Superior Court of California, County of Sutter, Case No. CRF-07-2729, respondent pled no  
3 contest to a violation of Vehicle Code section 23104(a) (reckless driving with injury). Said crime  
4 is substantially related to the practice of a pharmacy technician.

5 D. On or about March 26, 2008, in a case entitled *People v. Mohamed Assad Khan*,  
6 Superior Court of California, County of Sutter, Case No. CR-TR-08-0368, respondent pled no  
7 contest to a violation of Vehicle Code sections 23103, 23103.5 (reckless driving with alcohol).  
8 Said crime is substantially related to the practice of a pharmacy technician.

9  
10 SECOND CAUSE FOR DISCIPLINE  
(False or Misleading Statement)

11 8. Question Number 8 on the respondent's application for registration as a pharmacy  
12 technician states in pertinent part:

13 "Have you ever been convicted or pled no contest to a violation of any law of a foreign  
14 country, the United States or any state laws or local ordinances? You must include all  
15 misdemeanor and felony convictions, regardless of the age of the conviction, including those  
16 which have been set aside under Penal Code section 1203.4. Traffic Convictions of \$500 or less  
17 need not be reported."

18 9. Respondent's application is subject to denial under section 480(c) and 4301 (f) and  
19 (g) in that he marked the box "no" in response to question number 8 on his application, when in  
20 truth and in fact he was convicted of the crimes set forth above in paragraphs 7 (C) and (D),  
21 above.

22 PRAYER

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board of Pharmacy issue a decision:

25 1. Denying the application of Mohammad A. Khan for a Pharmacy Technician License;  
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Taking such other and further action as deemed necessary and proper.

DATED: 5/28/10

*Virginia Herold*

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

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