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

In the Matter of the Statement of Issues
Against:
KRYSTINA NICOLE WILSON
Pharmacy Technician Applicant

Respondent.

Case No. 4356
OAH No. 2012110710
DEFAULT DECISION AND ORDER
[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about October 9, 2012, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 4356 against Krystina Nicole Wilson (Respondent) before the Board of Pharmacy.
2. On or about September 14, 2011, Respondent filed an application dated September 12, 2011, with the Board of Pharmacy to obtain a pharmacy technician registration.
3. On or about April 27, 2012, the Board issued a letter denying Respondent's application for a pharmacy technician registration. On a date unknown, Respondent appealed the Board's denial of her application and requested a hearing.
4. On or about October 19, 2012, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Statement of Issues No. 4356, Statement to Respondent, Notice of Defense, Request for Discovery, Government Code sections 11507.5,

1 11507.6, and 11507.7, Notice from Respondent/Applicant, and Disciplinary Guidelines to
2 Respondent's address on the application form, which was and is 702 Mangrove #283
3 Chico, CA 95926. A copy of the Statement of Issues is attached as exhibit A, and is incorporated
4 herein by reference¹.

5 5. Service of the Statement of Issues was effective as a matter of law under the
6 provisions of Government Code section 11505, subdivision (c).

7 6. On a date unknown, Respondent appealed the denial of her application and requested
8 a hearing in this action. A Notice of Hearing was served by mail at Respondent's address on the
9 application and it informed her that an administrative hearing in this matter was scheduled for
10 July 25, 2012. Respondent failed to appear at that hearing.

11 7. Business and Professions Code section 118 states, in pertinent part:

12 (a) The withdrawal of an application for a license after it has been filed with a
13 board in the department shall not, unless the board has consented in writing to such
14 withdrawal, deprive the board of its authority to institute or continue a proceeding
15 against the applicant for the denial of the license upon any ground provided by law or
16 to enter an order denying the license upon any such ground.

17 8. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
21 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
22 may nevertheless grant a hearing.

23 9. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent; and where the burden of proof is on the respondent to establish that the
28 respondent is entitled to the agency action sought, the agency may act without taking
evidence.

10 Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing based upon the

¹ The Third Amended Statement of Issues was served on April 23, 2013, and is also
attached in Exhibit A and incorporated by reference.

1 allegation set forth in the Statement of Issues and Respondent's failure to establish entitlement to
2 issuance of a license.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent Krystina Nicole Wilson has
5 subjected her application for a pharmacy technician registration to denial.

6 2. Service of Statement of Issues No. 4356 and related documents was proper and in
7 accordance with the law.

8 3. The agency has jurisdiction to adjudicate this case by default.

9 4. The Board of Pharmacy is authorized to deny Respondent's application for licensure
10 based upon the following violations alleged in the Third Amended Statement of Issues:

11 a. Bus. & Prof. Code section 480(a)(3)(A)/4301(j) – possession of controlled
12 substances

13 b. Bus. & Prof. Code section 4301(l) – criminal conviction

14 c. Bus. & Prof. Code section 480(a)(3)(A)/4301(h) – use of alcohol in a dangerous
15 manner

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ORDER

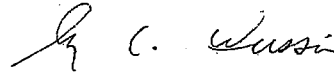
IT IS SO ORDERED that the application of Respondent Krystina Nicole Wilson is hereby denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on November 22, 2013.

It is so ORDERED ON October 23, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

DOJ docket number: SA2012107027
default decision_soi_LIC.rtf

Attachment:
Exhibit A: Statement of Issues No.4356

Exhibit A

Statement of Issues No. 4356 and Third Amended Statement of Issues No. 4356

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

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

Case No. 4356

13 **KRYSTINA NICOLE WILSON**

STATEMENT OF ISSUES

14 **Pharmacy Technician Applicant**

15 Respondent.

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 14, 2011, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
23 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson 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 April 27, 2012.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.3. Section 125.3
2 of the Code states, in pertinent part, that the Board may request the administrative law judge to
3 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
4 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

5 4. Section 480 of the Code states, in pertinent part:

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

8

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

11

12 5. Section 4301 of the Code states, in pertinent part:

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

16

17 (j) The violation of any of the statutes of this state, or any other state, or of the United
18 States regulating controlled substances and dangerous drugs.

19

20 6. Section 4060 of the Code states, in pertinent part:

21 No person shall possess any controlled substance, except that furnished to a person upon
22 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
23 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
24 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
25 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
26 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
27 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

28

1 DRUGS

2 7. Cocaine is a dangerous drug as defined in section 4022 of the Code and a schedule II
3 controlled substance and narcotic as defined by section 11055(b)(6) of the Health and Safety
4 Code.

5 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
6 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

7 CAUSE FOR DENIAL OF APPLICATION

8 (Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)

9 9. Applicant's application is subject to denial pursuant to Code section 480 subdivision
10 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
11 discipline pursuant to Code section 4301, subdivision (j).

12 PRAYER

13 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 Krystina Nicole Wilson for a Pharmacy Technician;
16 2. Taking such other and further action as deemed necessary and proper.

17 DATED: 10/9/12

18 *Virginia Herold*
19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

25 SA2012107027
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27
28

1 KAMALA D. HARRIS
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Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Statement
of Issues Against:

Case No. 4356

12 **KRYSTINA NICOLE WILSON**

**THIRD AMENDED STATEMENT OF
ISSUES**

13
14 **Pharmacy Technician Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Third Amended Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
21 Consumer Affairs. This Third Amended Statement of Issues replaces in its entirety Second
22 Amended Statement of Issues, filed on February 19, 2013.

23 2. On or about September 14, 2011; the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
25 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson certified under penalty
26 of perjury to the truthfulness of all statements, answers, and representations in the application.
27 The Board denied the application on April 27, 2012.

28 ///

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 unless otherwise indicated.3. Section 125.3
5 of the Code states, in pertinent part, that the Board may request the administrative law judge to
6 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
7 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 4. Section 480 of the Code states, in pertinent part:

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

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

17

18 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
19 would be grounds for suspension or revocation of license.

20 (B) The board may deny a license pursuant to this subdivision only if the crime or act is
21 substantially related to the qualifications, functions, or duties of the business or profession for
22 which application is made.

23

24 5. Section 4301 of the Code states, in pertinent part:

25 The board shall take action against any holder of a license who is guilty of unprofessional
26 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

27 Unprofessional conduct shall include, but is not limited to, any of the following:

28

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

6

7 (j) The violation of any of the statutes of this state, or any other state, or of the United
8 States regulating controlled substances and dangerous drugs.

9

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

27

28 ///

1 6. Section 4060 of the Code states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a person upon
3 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
5 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

9

10 DRUGS

11 7. Cocaine is a dangerous drug as defined in section 4022 of the Code and a schedule II
12 controlled substance and narcotic as defined by section 11055(b)(6) of the Health and Safety
13 Code.

14 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
15 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

16 FIRST CAUSE FOR DENIAL OF APPLICATION

17 (Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)

18 9. Respondent's application is subject to denial pursuant to Code section 480
19 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate constitute
20 cause for discipline pursuant to Code section 4301, subdivision (j). The circumstances are that on
21 or about March 4, 2006, Respondent was in possession of controlled substances, cocaine and
22 ecstasy, in violation of section 4060 of the Code.

23 SECOND CAUSE FOR DENIAL OF APPLICATION

24 (Conviction of a Crime)

25 10. Respondent's application is subject to denial under Code sections 4301 subdivision
26 (l), and 480 subdivision (a)(1), in that on or about February 8, 2013, in case of *People v. Krystina*
27 *Nicole Wilson*, (Super. Ct. Butte County, 2012, Case No. SCR91138), Respondent was convicted
28 on her plea of nolo contendere to a violation of Vehicle Code section 23152(b) (driving with

1 more than .08 percent blood alcohol), a misdemeanor. As part of the plea agreement, Respondent
2 stipulated that she had a .14 blood alcohol level. The crime is substantially related to the
3 qualifications, functions or duties of a pharmacy technician. The circumstances of the crime are
4 as follows:

5 11. On or about December 7, 2012, Respondent at approximately 1:20 a.m., Chico
6 Police Officer Rodden was on patrol when he heard the sound of squealing tires and observed a
7 silver sedan making a U-turn. The vehicle cut across two east bound lanes of traffic and began
8 traveling west. Officer Rodden initiated a traffic stop. Respondent was identified as the driver
9 and had three passengers with her. Officer Rodden observed that Respondent had bloodshot and
10 watery eyes, and she performed a series of field sobriety tests in a manner that demonstrated
11 impairment. Respondent registered a .144% blood alcohol content on the preliminary alcohol
12 screening device.

13 **THIRD CAUSE FOR DENIAL OF APPLICATION**

14 **(Use of Alcohol in a Manner Dangerous to Oneself, Others and the Public)**

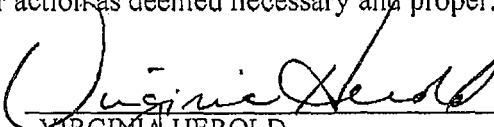
15 12. Applicant's application is subject to denial pursuant to Code section 480 subdivision
16 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
17 discipline pursuant to Code section 4301, subdivision (h) (use of alcohol in a manner dangerous
18 to oneself, others, and the public), as set forth in paragraphs 10 and 11, above.

19 **PRAYER**

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

- 22 1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
23 2. Taking such other and further action as deemed necessary and proper.

24 DATED: 4/4/13

25 
26 VIRGINIA HEROLD
27 Executive Officer
28 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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2 JANICE K. LACHMAN
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3 KAREN R. DENVIR
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Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Statement
12 of Issues Against:

Case No. 4356

13 **KRYSTINA NICOLE WILSON**

**SECOND AMENDED STATEMENT OF
ISSUES**

14 **Pharmacy Technician Applicant**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Second Amended Statement of Issues
20 solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
21 Consumer Affairs. This Second Amended Statement of Issues replaces in its entirety First
22 Amended Statement of Issues No. 4356, filed on December 7, 2012.

23 2. On or about September 14, 2011, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
25 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson certified under penalty
26 of perjury to the truthfulness of all statements, answers, and representations in the application.
27 The Board denied the application on April 27, 2012.

28 ///

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.3. Section 125.3
5 of the Code states, in pertinent part, that the Board may request the administrative law judge to
6 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
7 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 4. Section 480 of the Code states, in pertinent part:

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

11

12 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
13 would be grounds for suspension or revocation of license.

14

15 5. Section 4301 of the Code states, in pertinent 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

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

25

26 (j) The violation of any of the statutes of this state, or any other state, or of the United
27 States regulating controlled substances and dangerous drugs.

28

1 6. Section 4060 of the Code states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a person upon
3 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
4 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
5 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
6 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
7 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
8 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

9

10 **DRUGS**

11 7. Cocaine is a dangerous drug as defined in section 4022 of the Code and a schedule II
12 controlled substance and narcotic as defined by section 11055(b)(6) of the Health and Safety
13 Code.

14 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
15 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)**

18 9. Applicant's application is subject to denial pursuant to Code section 480 subdivision
19 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
20 discipline pursuant to Code section 4301, subdivision (j). The circumstances are that on or about
21 March 4, 2006, Respondent was in possession of controlled substances, cocaine and ecstasy, in
22 violation of section 4060 of the Code.

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**

24 **(Use of Alcohol in a Manner Dangerous to Oneself, Others and the Public)**

25 10. Applicant's application is subject to denial pursuant to Code section 480 subdivision
26 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
27 discipline pursuant to Code section 4301, subdivision (h). The circumstances are that on or about
28 December 7, 2012, Respondent used alcohol to the extent or in a manner as to be dangerous or

1 injurious to herself, or to any other person or to the public, as follows:

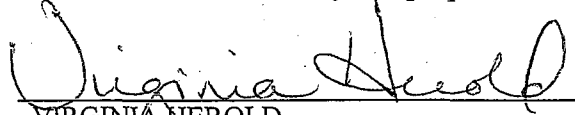
2 11. On or about December 7, 2012, at approximately 1:20 a.m., Chico Police Officer
3 Rodden was on patrol when he heard the sound of squealing tires and observed a silver sedan
4 making a U-turn. The vehicle cut across two east bound lanes of traffic and began traveling west.
5 Officer Rodden heard the sedan's tires squealing during the U-turn, and initiated a traffic stop.
6 Respondent was identified as the driver and had three passengers with her. Officer Rodden asked
7 Respondent to step out of the car and noticed that she had bloodshot and watery eyes. Officer
8 Rodden explained to Respondent the reason for the traffic stop and Respondent stated that she did
9 not recall making an illegal U-turn or screeching her tires. Respondent stated that she had been at
10 a local bar, had one beer two hours earlier, and was driving home when the officer stopped her.
11 Respondent performed a series of field sobriety tests in a manner that demonstrated impairment,
12 and registered a .144 % blood alcohol content on the preliminary alcohol screening device.

13 PRAYER

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

- 16 1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
17 2. Taking such other and further action as deemed necessary and proper.

18 DATED: 2/19/13



19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

23 SA2012107027
24 10948336.doc

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVER
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6 Telephone: (916) 324-5333
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7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Statement
of Issues Against:
12 **KRYSTINA NICOLE WILSON**
13
14 **Pharmacy Technician Applicant**
15
16 Respondent.

Case No. 4356

**FIRST AMENDED STATEMENT OF
ISSUES**

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this First Amended Statement of Issues solely
20 in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
21 Consumer Affairs. This First Amended Statement of Issues replaces in its entirety Statement of
22 Issues No. 4356, filed on October 9, 2012.

23 2. On or about September 14, 2011, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a/an Pharmacy Technician from Krystina Nicole Wilson
25 (Respondent). On or about September 12, 2011, Krystina Nicole Wilson certified under penalty
26 of perjury to the truthfulness of all statements, answers, and representations in the application.
27 The Board denied the application on April 27, 2012.

28 ///

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.3. Section 125.3
5 of the Code states, in pertinent part, that the Board may request the administrative law judge to
6 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
7 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8 4. Section 480 of the Code states, in pertinent part:

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

11

12 (3) (A) Done any act that if done by a licentiate of the business or profession in question,
13 would be grounds for suspension or revocation of license.

14

15 5. Section 4301 of the Code states, in pertinent 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

20 (j) The violation of any of the statutes of this state, or any other state, or of the United
21 States regulating controlled substances and dangerous drugs.

22

23 6. Section 4060 of the Code states, in pertinent part:

24 No person shall possess any controlled substance, except that furnished to a person upon
25 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
26 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
27 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
28 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,

1 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
2 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.

3

4 **DRUGS**

5 7. Cocaine is a dangerous drug as defined in section 4022 of the Code and a schedule II
6 controlled substance and narcotic as defined by section 11055(b)(6) of the Health and Safety
7 Code.

8 8. Ecstasy is a dangerous drug as defined in section 4022 of the Code and a schedule I
9 controlled substance and narcotic as defined by section 11054(d) of the Health and Safety Code.

10 **CAUSE FOR DENIAL OF APPLICATION**

11 **(Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)**

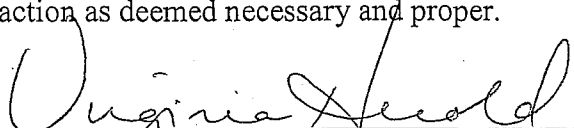
12 9. Applicant's application is subject to denial pursuant to Code section 480 subdivision
13 (a)(3)(A), in that Applicant committed acts which if done by a licentiate constitute cause for
14 discipline pursuant to Code section 4301, subdivision (j). The circumstances are that on or about
15 March 4, 2006, Respondent was in possession of controlled substances, cocaine and ecstasy, in
16 violation of section 4060 of the Code.

17 **PRAYER**

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

- 20 1. Denying the application of Krystina Nicole Wilson for a Pharmacy Technician;
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 12/7/12



23 VIRGINIA HEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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