

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

In the Matter of the Statement of Issues
Against:

AUSTIN DANE CHRISTENSEN,

Respondent.

Case No. 4425

OAH No. 2013020080

FINAL DECISION AFTER NONADOPTION

On June 11, 2013, in San Luis Obispo, California, Ralph B. Dash, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Sydney M. Mehringer, Deputy Attorney General, represented Complainant.

Austin Dane Christensen (Respondent) represented himself.

Oral and documentary evidence was received and the matter submitted.

The proposed decision of the Administrative Law Judge was submitted to the Board of Pharmacy ("Board") on July 1, 2013. After due consideration thereof, the Board declined to adopt said proposed decision and on October 8, 2013, issued an Order of Non-adoption of Proposed Decision and subsequently issued an Order Fixing Date for Submission of Argument, setting the deadline for argument on February 13, 2014. Written argument having been timely received from complainant and the time for filing written argument in this matter having expired, and the entire record, including the transcript of said hearing having been read and considered, the Board, pursuant to Section 11517 of the Government Code, hereby makes the following decision:

FACTUAL FINDINGS

1. Virginia Herold made the Statement of Issues in her official capacity as the Executive Officer of the Board of Pharmacy ("Board").

2. On February 4, 2012, Respondent signed an application for registration as a pharmacy technician and submitted it to the Board. The application was denied and this hearing ensued.

3.a. On October 27, 2009, in the Superior Court of the State of California, County of Los Angeles, case number M000436798, Respondent was convicted on his nolo contendere plea of violating Vehicle Code section 23103, subdivision (a), in conjunction with Vehicle Code section 23103.5, reckless driving involving the consumption of alcohol, commonly referred to as a "wet reckless." The court sentenced Respondent to serve 18 months of summary probation on condition that he complete a "wet reckless program" and pay a fine of \$864.

b. The facts and circumstances of the crime are that Respondent consumed alcoholic beverages then, while driving home, struck and knocked down a light pole. At the time of his arrest, Respondent's blood alcohol content measured 0.06 percent.

c. The city of San Luis Obispo required Respondent to pay for the cost of replacing the light pole, \$9,050.70, and also required him to pay for the cost of the police who handled this matter, \$1,392.26. Respondent paid the city all sums required of him.

d. Respondent complied with all terms of his probation and, on October 20, 2011, the court entered an order under the provisions of Penal Code section 1203.4 whereby Respondent's plea was vacated, a plea of not guilty was entered, and the criminal complaint was dismissed.

4.a. On December 15, 2005, in the Superior Court of the State of California, County of San Luis Obispo, case number M000381760, Respondent was convicted on his plea of nolo contendere to one count of violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol or drugs. The court sentenced Respondent to three years of summary probation on condition that he serve two days in jail, with credit for two days served, complete a first-offender driving while intoxicated program, and pay fines and fees totaling \$1,662.50.

b. The facts and circumstances of the crime are that Respondent was stopped by police after he had failed to stop at a stop sign. Respondent exhibited signs of intoxication and was administered and failed a field sobriety test. The officer conducted a preliminary alcohol-screening (breathalyzer) and Respondent's blood alcohol content measured 0.11 percent.

c. Respondent complied with all terms of his probation, and on October 11,

2011, the court entered an order under the provisions of Penal Code section 1203.4 whereby Respondent's plea was vacated, a plea of not guilty was entered, and the criminal complaint was dismissed.

5. Respondent lives alone and supports himself. He worked for a local pharmacist, who was aware of Respondent's convictions, for two years. He took all courses necessary for licensure, having graduated from Boston Reed College in 2011. Respondent took the examination and has been certified by the Pharmacy Technician Certification Board. Currently, he works as a warehouse technician. He remains close with his family and does property management for them.

6. Respondent is not a drug user or abuser, although he does use legally prescribed medical marijuana twice-weekly for pain due to a pinched nerve in his lumbar spine. While working for the local pharmacist, Respondent had access to controlled substances but was never tempted to misappropriate any. In fact, Respondent does not use any type of pain medication other than legally prescribed marijuana, and he does not use any drugs recreationally. Respondent has a very strong aversion to using pain killers because his father was a chronic pain patient who committed suicide while Respondent was on probation for his 2005 conviction.

7. Respondent was highly respectful of the Board and these proceedings. He stressed that he is "completely committed to a career in pharmacy." Although he still drinks occasionally on weekends, he does not overindulge. Respondent credits the AA meetings and stress counseling he underwent for his first conviction and the "social approach" to avoiding alcohol he learned in his second offender program for his ability to drink in moderation.

LEGAL CONCLUSIONS

1. Business and Professions Code section 480 provides in part:

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

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

[¶] . . . [¶]

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

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

2. Business and Professions Code section 4300 provides in part:

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

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a Board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs . . .

3. Business and Professions Code section 4301 provides in part:

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

[¶] . . .

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or 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, or to the extent that the use impairs the ability of the person to

conduct with safety to the public the practice authorized by the license.

[¶]. . . [¶]

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter . . . The Board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision.

4. Cause to deny Respondent's application for a pharmacy technician registration pursuant to Business and Professions Code sections 4300, subdivision (c), 4301, subdivision (l), and 480, subdivision (a), was established by Findings 3 and 4 in that Respondent was convicted of crimes that are substantially related to the qualifications, functions, and duties of a pharmacy technician.

5. Cause exists to deny Respondent's application for a pharmacy technician registration pursuant to Business and Professions Code sections 4300, subdivision (c), and 4301, subdivisions (h) and (k) in that Respondent was convicted of two misdemeanors involving the use of alcohol, as set forth in Findings 3 and 4.

6. Title 16, California Code of Regulations, section 1769 provides in part:

(a) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his present eligibility for licensing or registration, will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

7. With respect to the foregoing criteria, Respondent's criminal history is not extensive, and the last conviction occurred almost four years ago. He has successfully completed all of the terms of his criminal probation, and both convictions have been expunged. Respondent has abstained from the illegal use of drugs. He has been able to control his alcohol consumption after successfully completing stress counseling and attending Alcoholics Anonymous meetings. Respondent has maintained continuous employment and a stable life-style since his last conviction.

8. Rehabilitation is evaluated on the basis of two different scales. One is an internal, attitudinal scale and the other is an external objective scale. In other words, Respondent must present evidence both of a state of mind and a state of facts showing he has been rehabilitated. The state of mind demonstrating rehabilitation is one that has a mature, measured appreciation of the gravity of the misconduct and remorse for the harm caused. To establish rehabilitation, Respondent must also show a demonstrated course of conduct that convinces and assures the Board that the public would be safe if Respondent is permitted to obtain a license. Respondent must show a track record of reliable, responsible and consistently appropriate conduct.

9. Respondent rates well on each of the above-described scales. He did not attempt to palliate or vitiate his conduct. He accepted full responsibility and showed extreme remorse and regret. He also demonstrated that he has a track record of steady employment, is self-supporting, has worked in a pharmacy where the pharmacist in charge had complete knowledge of Respondent's convictions, and has advanced his education. He has been rehabilitated to the extent that it would not be adverse to the public interest to permit Respondent's registration as a pharmacy technician, provided the registration is conditioned as set forth below.

ORDER

Upon satisfaction of all statutory and regulatory requirements for issuance of a pharmacy technician's registration, a registration shall be issued to Respondent and immediately revoked; the order of revocation is stayed and Respondent is placed on probation for three (3) years upon the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacy technician registration or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

3. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

4. Cooperate with Board Staff

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his probation. Failure to cooperate shall be considered a violation of probation.

5. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number 4047 and the terms, conditions and restrictions imposed on Respondent by the decision, as follows: Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's tenure of employment) and owner to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4047 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

If Respondent works for or is employed by or through a pharmacy employment service, Respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 4047 in advance of the Respondent commencing work at each pharmacy. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy employment service, Respondent shall cause his direct supervisor with the pharmacy employment service to report to the Board in writing acknowledging that he or she has read the decision in case number 4425 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the Board shall be considered a violation of probation.

“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 or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the Respondent is considered an employee, independent contractor or volunteer.

6. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

7. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If Respondent's pharmacy technician license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

8. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his pharmacy technician license to the Board for surrender. The Board or its designee 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. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish his pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the Board for three (3) 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.

9. Notification of a Change in Name, Residence Address, Mailing Address or Employment

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

Failure to timely notify the Board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

10. Tolling of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 40 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, Respondent must nonetheless comply with all terms and conditions of probation.

Should Respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of 40 hours per calendar month in California, Respondent must notify the Board in writing within ten (10) days of cessation of work and must further notify the Board in writing within ten (10) days of the resumption of the work.

Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

"Cessation of work" means calendar month during which Respondent is not working for at least 40 hours as a pharmacy technician, as defined in Business and Professions Code section 4115. "Resumption of work" means any calendar month during which Respondent is working as a pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

11. Violation of Probation

If 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 that was stayed.

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 that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. 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 automatically extended until the petition to revoke probation or accusation is heard and decided.

12. Completion of Probation

Upon written notice by the Board indicating successful completion of probation, Respondent's pharmacy technician license will be fully restored.

13. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within thirty (30) days of the effective date of this decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the Board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

14. Work Site Monitor

Within ten (10) days of the effective date of this decision, Respondent shall identify a work site monitor, for prior approval by the Board, who shall be responsible for supervising Respondent during working hours. Respondent shall be responsible for ensuring that the work site monitor reports in writing to the Board quarterly. Should the designated work site monitor determine at any time during the probationary period that Respondent has not maintained sobriety, he or she shall notify the Board immediately, either orally or in writing as directed. Should Respondent change employment, a new work site monitor must be designated, for prior approval by the

Board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the Board, shall be considered a violation of probation.

15. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if Respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

16. Random Drug Screening

Respondent at his or her own expense shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug screening program as directed by the board or its designee. Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the board or its designee. At all times, respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall be considered a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the automatic suspension of work by respondent. Respondent may not resume work as a designated representative until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs licensed by the board, or any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not perform any of the duties of a designated

representative, nor do any act involving drug selection, selection of stock, manufacturing, dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices and controlled substances. Respondent shall not resume work until notified by the board.

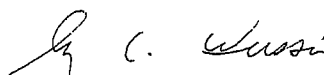
Respondent shall not direct, control or perform any aspect involving the distribution of dangerous drugs and devices and controlled substances. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed entity in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

This Decision shall become effective on April 28, 2014.

IT IS SO ORDERED this 28th day of March, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



STAN C. WEISSER
Board President

**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Statement of Issues
Against:

Case No. 4425

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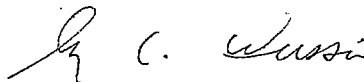
TO ALL PARTIES AND THEIR ATTORNEY OF RECORD:

ORDER FIXING DATE FOR SUBMISSION OF ARGUMENT

The transcript of the hearing in the above-entitled matter having now become available, the parties are hereby notified of the opportunity to submit written argument in accordance with the Order of Nonadoption of Proposed Decision dated October 8, 2013. In addition to any argument the parties may wish to submit, the board is interested in argument directed at the following issue: (1) whether the license should be granted; (2) whether the license should be probationary if granted; and if so, (3) what terms and conditions would be appropriate.

Pursuant to said Order written argument shall be filed with the Board of Pharmacy, 1625 N. Market Blvd, Suite N-219, Sacramento, California, on or before February 13, 2014. **No new evidence may be submitted.**

IT IS SO ORDERED this 14th day of January, 2014.



STAN C. WEISSER
President, Board of Pharmacy
Department of Consumer Affairs

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

In the Matter of the Statement of Issues Against:

AUSTIN DANE CHRISTENSEN

Respondent.

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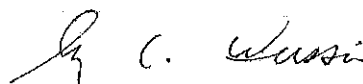
ORDER OF NONADOPTION OF PROPOSED DECISION

YOU ARE HEREBY NOTIFIED pursuant to Section 11517 of the Government Code, the California State Board of Pharmacy hereby non-adopts the proposed decision in Statement of Issues Case No. 4425. A copy of the proposed decision is attached hereto.

The board will decide the case itself upon the record, including the transcript, exhibits and written argument of the parties, without taking additional evidence. The Board has ordered a transcript and will notify the parties when the transcript has been prepared and of the date set for the submission of written argument.

IT IS SO ORDERED this 8th day of October 8, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY WEISSER
Board President

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

In the Matter of the Statement of Issues
Against:

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Case No. 4425

OAH No. 2013020080

PROPOSED DECISION

On June 11, 2013, in San Luis Obispo, California, Ralph B. Dash, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Sydney M. Mehringer, Deputy Attorney General, represented Complainant.

Austin Dane Christensen (Respondent) represented himself.

Oral and documentary evidence having been received and the matter having been submitted, the Administrative Law Judge makes the following Proposed Decision.

FACTUAL FINDINGS

1. Virginia Herold made the Statement of Issues in her official capacity as the Executive Officer of the Board of Pharmacy (Board).

2. On February 4, 2012, Respondent signed an application for registration as a pharmacy technician and submitted it to the Board. The application was denied and this hearing ensued.

3.a. On October 27, 2009, in the Superior Court of the State of California, County of Los Angeles, case number M000436798, Respondent was convicted on his *nolo contendere* plea of violating Vehicle Code section 23103, subdivision (a), in conjunction with Vehicle Code section 23103.5, reckless driving involving the consumption of alcohol, commonly referred to as a "wet reckless." The court sentenced Respondent to

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LEGAL CONCLUSIONS

1. Business and Professions Code section 480 provides in part:

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

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

[¶] . . . [¶]

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

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

2. Business and Professions Code section 4300 provides in part:

(c) The Board may refuse a license to any applicant guilty of unprofessional conduct. The Board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The Board may issue the license

subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a Board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs . . .

3. Business and Professions Code section 4301 provides in part:

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

[¶] . . .

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or 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, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

[¶] . . . [¶]

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter . . . The Board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision.

4. Cause to deny Respondent's application for a pharmacy technician registration pursuant to Business and Professions Code sections 4300, subdivision (c), 4301, subdivision (l), and 480, subdivision (a), was established by Finding 3 and 4 in that Respondent was convicted of crimes that are substantially related to the qualifications, functions, and duties of a pharmacy technician.

5. Cause exists to deny Respondent's application for a pharmacy technician registration pursuant to Business and Professions Code sections 4300, subdivision (c), and 4301, subdivisions (h) and (k) in that Respondent was convicted of two misdemeanors involving the use of alcohol, as set forth in Findings 3 and 4.

6. Title 16, California Code of Regulations, section 1769 provides in part:

(a) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code, the Board, in evaluating the rehabilitation of the applicant and his present eligibility for licensing or registration, will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

7. With respect to the foregoing criteria, Respondent's criminal history is not extensive, and the last conviction occurred almost four years ago. He has successfully completed all of the terms of his criminal probation, and both convictions have been expunged. Respondent has abstained from the illegal use of drugs. He has been able to control his alcohol consumption after successfully completing stress counseling and Alcoholics Anonymous meetings. Respondent has maintained continuous employment and a stable life-style since his last conviction.

8. Rehabilitation is evaluated on the basis of two different scales. One is an internal, attitudinal scale and the other is an external objective scale. In other words, Respondent must present evidence both of a state of mind and a state of facts showing he has been rehabilitated. The state of mind demonstrating rehabilitation is one that has a mature,

measured appreciation of the gravity of the misconduct and remorse for the harm caused. To establish rehabilitation, Respondent must also show a demonstrated course of conduct that convinces and assures the Board that the public would be safe if Respondent is permitted to obtain a license. Respondent must show a track record of reliable, responsible and consistently appropriate conduct.

9. Respondent rates well on each of the above-described scales. He did not attempt to palliate or vitiate his conduct. He accepted full responsibility and showed extreme remorse and regret. He also demonstrated that he has a track record of steady employment, is self-supporting, has worked in a pharmacy where the pharmacist in charge had complete knowledge of Respondent's convictions, and has advanced his education. He has been rehabilitated to the extent that it would not be adverse to the public interest to permit Respondent's registration as a pharmacy technician, provided the registration is conditioned as set forth below.

ORDER

Upon satisfaction of all statutory and regulatory requirements for issuance of a pharmacy technician's registration, a registration shall be issued to Respondent and immediately revoked; the order of revocation is stayed and Respondent is placed on probation for three (3) years upon the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacy technician registration or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

2. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

3. Interview with the Board

Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

4. Cooperate with Board Staff

Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his his probation. Failure to cooperate shall be considered a violation of probation.

5. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number 4047 and the terms, conditions and restrictions imposed on Respondent by the decision, as follows: Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause his his direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's tenure of employment) and owner to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number 4047 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his his employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

If Respondent works for or is employed by or through a pharmacy employment service, Respondent must notify his direct supervisor, pharmacist-in-charge and owner at

every pharmacy of the terms and conditions of the decision in case number 4047 in advance of the Respondent commencing work at each pharmacy. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy employment service, Respondent shall cause his direct supervisor with the pharmacy employment service to report to the Board in writing acknowledging that he or she has read the decision in case number 4425 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

~~Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the Board shall be considered a violation of probation.~~

"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 or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the Respondent is considered an employee, independent contractor or volunteer.

6. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board or its designee. ~~Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.~~

7. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If Respondent's pharmacy technician license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

8. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,

Respondent may tender his pharmacy technician license to the Board for surrender. The Board or its designee 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. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

Upon acceptance of the surrender, Respondent shall relinquish his pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the Board for three (3) 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.

9. Notification of a Change in Name, Residence Address, Mailing Address or Employment

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

Failure to timely notify the Board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

10. Tolling of Probation

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 40 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, Respondent must nonetheless comply with all terms and conditions of probation.

Should Respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of 40 hours per calendar month in California, Respondent must notify the Board in writing within ten (10) days of cessation of work and must further notify the Board in writing within ten (10) days of the resumption of the work.

Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

“Cessation of work” means calendar month during which Respondent is not working for at least 40 hours as a pharmacy technician, as defined in Business and Professions Code section 4115. “Resumption of work” means any calendar month during which Respondent is working as a pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

11. Violation of Probation

If 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 that was stayed.

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 that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. 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 automatically extended until the petition to revoke probation or accusation is heard and decided.

12. Completion of Probation

Upon written notice by the Board indicating successful completion of probation, Respondent's pharmacy technician license will be fully restored.

13. Attend Substance Abuse Recovery Relapse Prevention and Support Groups

Within thirty (30) days of the effective date of this decision, Respondent shall begin regular attendance at a recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the Board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the Board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

14. Work Site Monitor

Within ten (10) days of the effective date of this decision, Respondent shall identify a work site monitor, for prior approval by the Board, who shall be responsible for supervising Respondent during working hours. Respondent shall be responsible for ensuring that the work site monitor reports in writing to the Board quarterly. Should the designated work site monitor determine at any time during the probationary period that Respondent has not maintained sobriety, he or she shall notify the Board immediately, either orally or in writing as directed. Should Respondent change employment, a new work site monitor must be designated, for prior approval by the Board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the Board, shall be considered a violation of probation.

16. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the Board or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if Respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

DATED: 7-1-13



RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

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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. 4425

13 **AUSTIN DANE CHRISTENSEN**

STATEMENT OF ISSUES

14 Respondent.

15
16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about February 9, 2012, the Board of Pharmacy ("Board") received an
21 application for registration as a Pharmacy Technician from Austin Dane Christensen
22 ("Respondent"). On or about February 4, 2012, Respondent certified under penalty of perjury to
23 the truthfulness of all statements, answers, and representations in the application. The Board
24 denied the application on July 3, 2012.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board under the authority of the
27 following laws. All section references are to the Business and Professions Code unless otherwise
28 indicated.

1 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
2 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
3 made suspending the imposition of sentence, irrespective of a subsequent order under the
4 provisions of Section 1203.4 of the Penal Code."

5 6. Section 4300 states, in pertinent part:

6 "(a) Every license issued may be suspended or revoked;

7 ...

8 "(c) The board may refuse a license to any applicant guilty of unprofessional conduct."

9 7. Section 4301 states, in pertinent part:

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

13

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

19

20 "(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
23 substances or of a violation of the statutes of this state regulating controlled substances or
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26 The board may inquire into the circumstances surrounding the commission of the crime, in order
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment.

9

10 "(p) Actions or conduct that would have warranted denial of a license."

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

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

18 **FIRST CAUSE FOR DENIAL OF APPLICATION**

19 **(Convictions of Crimes)**

20 9. Respondent's application is subject to denial under Code section 480, subdivision
21 (a)(1), in that Respondent was convicted of crimes as follows:

22 a. On or about October 27, 2009, after pleading nolo contendere Respondent was
23 convicted of one misdemeanor count of violating Vehicle Code section 23103, subdivision (a)
24 [reckless driving] in the criminal proceeding entitled *The People of the State of California v.*
25 *Austin Dane Christensen* (Super. Ct. San Luis Obispo County, 2010, No. M000436798). The
26 court placed Respondent on 18 months probation, with terms and conditions. The circumstances
27 surrounding the conviction are that on or about August 15, 2009, the San Luis Obispo Police
28 Department contacted Respondent during an investigation of a traffic collision involving a

1 wooden pole. When asked if he had been in a traffic collision, Respondent admitted to hitting
2 something on the road but only remembered a bright light or spark. He also admitted to driving
3 after consuming alcohol at a local bar and taking cold medication during the day and evening. In
4 addition, Respondent admitted to smoking Marijuana prior to going to the bar.

5 b. On or about December 15, 2005, after pleading nolo contendere, Respondent was
6 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)
7 [driving under the influence of alcohol or drugs] in the criminal proceeding entitled *The People of*
8 *the State of California v. Austin Dane Christensen* (Super. Ct. San Luis Obispo County, 2005,
9 No. M000381760). The Court sentenced Respondent to serve 2 days in San Luis Obispo County
10 Jail and placed him on 3 years probation, with terms and conditions. The circumstances
11 surrounding the conviction are that on or about December 13, 2005, the Pismo Beach Police
12 Department pulled Respondent over during a routine traffic stop. While speaking to Respondent,
13 the officer detected a strong odor of an alcoholic beverage emitting from his breath and person.
14 Respondent was observed to have bloodshot, watery eyes and his speech was slow and slurred.
15 Respondent was subsequently arrested for violating Vehicle Code Section 23152, subdivision (a)
16 [driving under the influence of alcohol or drugs] and Vehicle Code Section 23152, subdivision (b)
17 [~~driving while having 0.08% or more, by weight, of alcohol in his blood~~]. During the booking
18 procedure, Respondent submitted to a blood test that resulted in a blood alcohol content level of
19 0.11%.

20 SECOND CAUSE FOR DENIAL OF APPLICATION

21 (Acts Warranting Denial of Licensure)

22 10. Respondent's application is subject to denial under Code sections 4301, subdivision
23 (p), and 480, subdivision (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if
24 done by a licentiate would be grounds for suspension or revocation of his license, as follows:

25 a. Respondent was convicted of crimes substantially related to the qualifications,
26 functions, or duties of a pharmacy technician which to a substantial degree evidence his present
27 or potential unfitness to perform the functions authorized by his license in a manner consistent
28 with the public health, safety, or welfare, in violation of sections 4301, subdivision (l) and 490, in

1 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,
2 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraphs
3 (a) and (b), inclusive, as though fully set forth herein.

4 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or
5 injurious to himself, another person, or the public in violation of section 4301, subdivision (h).
6 Complainant refers to, and by this reference incorporates, the allegations set forth above in
7 paragraph 9, subparagraphs (a) and (b), inclusive, as though fully set forth herein.

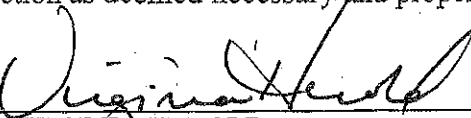
8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board issue a decision:

11 1. Denying the application of Respondent Austin Dane Christensen for Registration as a
12 Pharmacy Technician; and

13 2. Taking such other and further action as deemed necessary and proper.

14 DATED: 11/19/12



15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant

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