

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

In the Matter of the Statement of Issues Against:

Case No. 4897

TYCHICUS ROBERT EDWARDS

24436 Lamont Drive
Moreno Valley, CA 92552

Pharmacy Technician Registration Applicant

Respondent.

DECISION AND ORDER

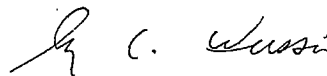
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 30, 2014.

It is so ORDERED on July 23, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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

13 **TYCHICUS ROBERT EDWARDS**

14 **Pharmacy Technician Registration Applicant**

15 Respondent.

Case No. 4897

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Amanda Dodds, Senior Legal Analyst.

23 2. Respondent Tychicus Robert Edwards ("Respondent") is representing himself in this
24 proceeding and has chosen not to exercise his right to be represented by counsel.

25 3. On or about February 13, 2013, Respondent filed an application dated February 4,
26 2013, with the Board of Pharmacy to obtain a Pharmacy Technician Registration.

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1 communicate directly with the Board regarding this stipulation and settlement, without notice to
2 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
3 that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the
4 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
5 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
6 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
7 not be disqualified from further action by having considered this matter.

8 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
10 signatures thereto, shall have the same force and effect as the originals.

11 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
12 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
13 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
14 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
15 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
16 writing executed by an authorized representative of each of the parties.

17 13. In consideration of the foregoing admissions and stipulations, the parties agree that
18 the Board may, without further notice or formal proceeding, issue and enter the following
19 Disciplinary Order:

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that a Pharmacy Technician Registration will be issued to
22 Respondent Tychicus Robert Edwards and immediately revoked. The revocation will be stayed
23 and the Respondent placed on three (3) years probation on the following terms and conditions.

24 **1. Certification Prior to Resuming Work**

25 Respondent shall be automatically suspended from working as a pharmacy technician until
26 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides
27 satisfactory proof of certification to the board. Respondent shall not resume working as a
28 pharmacy technician until notified by the board. Failure to achieve certification within one (1)

year shall be considered a violation of probation. Respondent shall not resume working as a pharmacy technician until notified by the board.

During suspension, respondent shall not enter any pharmacy area or any portion of any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises by the board in which he 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.

2. 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.

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

2 **3. Report to the Board**

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

11 **4. Interview with the Board**

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

17 **5. Cooperate with Board Staff**

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

21 **6. Notice to Employers**

22 During the period of probation, respondent shall notify all present and prospective
23 employers of the decision in case number 4897 and the terms, conditions and restrictions imposed
24 on respondent by the decision, as follows:

25 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
26 respondent undertaking any new employment, respondent shall cause his direct supervisor,
27 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
28 tenure of employment) and owner to report to the board in writing acknowledging that the listed

1 individual(s) has/have read the decision in case number 4897 and the terms and conditions
2 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
3 supervisor(s) submit timely acknowledgement(s) to the board.

4 If respondent works for or is employed by or through a pharmacy employment service,
5 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
6 of the terms and conditions of the decision in case number 4897 in advance of the respondent
7 commencing work at each pharmacy. A record of this notification must be provided to the board
8 upon request.

9 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
10 (15) days of respondent undertaking any new employment by or through a pharmacy employment
11 service, respondent shall cause his direct supervisor with the pharmacy employment service to
12 report to the board in writing acknowledging that he has read the decision in case number 4897
13 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
14 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

18 "Employment" within the meaning of this provision shall include any full-time,
19 part-time, temporary or relief service or pharmacy management service as a pharmacy
20 technician or in any position for which a pharmacy technician license is a requirement
21 or criterion for employment, whether the respondent is considered an employee,
22 independent contractor or volunteer.

23 **7. Probation Monitoring Costs**

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

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1 **8. Status of License**

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

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

10 **9. License Surrender While on Probation/Suspension**

11 Following the effective date of this decision, should respondent cease work due to
12 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
13 respondent may tender his pharmacy technician registration to the board for surrender. The board
14 or its designee shall have the discretion whether to grant the request for surrender or take any
15 other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
16 registration, respondent will no longer be subject to the terms and conditions of probation. This
17 surrender constitutes a record of discipline and shall become a part of the respondent's license
18 history with the board.

19 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
20 registration to the board within ten (10) days of notification by the board that the surrender is
21 accepted. Respondent may not reapply for any license, permit, or registration from the board for
22 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
23 applicable to the license sought as of the date the application for that license is submitted to the
24 board.

25 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
26 **Employment**

27 Respondent shall notify the board in writing within ten (10) days of any change of
28 employment. Said notification shall include the reasons for leaving, the address of the new

1 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
2 shall further notify the board in writing within ten (10) days of a change in name, residence
3 address and mailing address, or phone number.

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

6 **11. Tolling of Probation**

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

13 Should respondent, regardless of residency, for any reason (including vacation) cease
14 working as a pharmacy technician for a minimum of forty (40) hours per calendar month in
15 California, respondent must notify the board in writing within ten (10) days of cessation of work
16 and must further notify the board in writing within ten (10) days of the resumption of the work.
17 Any failure to provide such notification(s) shall be considered a violation of probation.

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

21 "Cessation of work" means calendar month during which respondent is not
22 working for at least forty (40) hours as a pharmacy technician, as defined in Business
23 and Professions Code section 4115. "Resumption of work" means any calendar
24 month during which respondent is working as a pharmacy technician for at least forty
25 (40) hours as a pharmacy technician as defined by Business and Professions Code
26 section 4115.

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1 **12. No Ownership of Licensed Premises**

2 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
3 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
4 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
5 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
6 days following the effective date of this decision and shall immediately thereafter provide written
7 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
8 documentation thereof shall be considered a violation of probation.

9 **13. Community Services Program**

10 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
11 Board or its designee, for prior approval, a community service program in which Respondent
12 shall provide free health-care related services on a regular basis to a community or charitable
13 facility or agency for at least sixteen (16) hours per year for each year of probation. During the
14 first year of probation, sixteen (16) hours of community service shall be completed within six (6)
15 months of the effective date of the decision, and yearly thereafter. Within thirty (30) days of
16 Board approval thereof, Respondent shall submit documentation to the Board demonstrating
17 commencement of the community service program. A record of this notification must be
18 provided to the Board upon request. Respondent shall report on progress with the community
19 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
20 program shall be considered a violation of probation.

21 **14. Violation of Probation**

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

27 If respondent violates probation in any respect, the board, after giving respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
2 violation thereof may lead to automatic termination of the stay and/or revocation of the
3 registration. If a petition to revoke probation or an accusation is filed against respondent during
4 probation, the board shall have continuing jurisdiction, and the period of probation shall be
5 automatically extended until the petition to revoke probation or accusation is heard and decided.

6 **15. Completion of Probation**

7 Upon written notice by the board indicating successful completion of probation,
8 respondent's pharmacy technician registration will be fully restored.

9 **ACCEPTANCE**

10 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
11 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
12 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
13 to be bound by the Decision and Order of the Board of Pharmacy.

14
15 DATED: 6-17-14


16 TYCHICUS ROBERT EDWARDS
17 Respondent

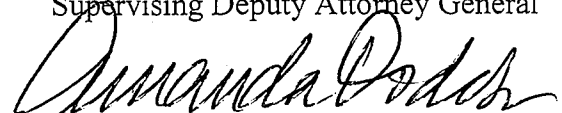
18 **ENDORSEMENT**

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
20 submitted for consideration by the Board of Pharmacy.

21 Dated: 6/25/14

Respectfully submitted,

22 KAMALA D. HARRIS
23 Attorney General of California
24 LINDA K. SCHNEIDER
25 Supervising Deputy Attorney General



26 AMANDA DODDS
27 Senior Legal Analyst
28 Attorneys for Complainant

SD2013705700

Exhibit A

Statement of Issues No. 4897

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Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 State Bar No. 101336
AMANDA DODDS
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Attorneys for Complainant

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

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

Case No. 4897

13 **TYCHICUS ROBERT EDWARDS**

STATEMENT OF ISSUES

14 **Pharmacy Technician Registration**
15 **Applicant**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about February 13, 2013, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Pharmacy Technician Registration from Tychicus Robert
24 Edwards (Respondent). On or about February 4, 2013, Tychicus Robert Edwards certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on May 17, 2013.

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JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300 of the Code provides, in pertinent part, that 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.

STATUTORY PROVISIONS

5. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

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

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

(c) A license shall not be denied, suspended, or revoked on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits.

6. Section 480 of the Code states:

(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 that 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.

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

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

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

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

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

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

8. Section 493 of the Code states:

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

As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

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1 9. Section 4301 of the Code states:

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

6

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

10

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

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REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769 states:

(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).

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

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

4

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

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

10 **FIRST CAUSE FOR DENIAL OF APPLICATION**

11 **(February 20, 2009 Criminal Conviction for Theft on December 12, 2008)**

12 12. Respondent's application for licensure is subject to denial under section 480,
13 subdivisions (a)(1) and (a)(3)(A) of the Code in that he was convicted of a crime that is
14 substantially related to the qualifications, duties, and functions of a registered pharmacy
15 technician, and would be a ground for discipline under section 4301, subdivision (l) of the Code
16 for a registered pharmacy technician. The circumstances are as follows:

17 a. On or about February 20, 2009, in a criminal proceeding entitled *People of the*
18 *State of California vs. Tychicus Robert Edwards*, in Riverside County Superior Court, case
19 number RIM526355, Respondent was convicted on his plea of guilty to violating Penal Code
20 section 490.5, theft of retail merchandise, a misdemeanor.

21 b. As a result of the conviction, on or about February 9, 2009, the court granted
22 three years summary probation. Respondent was ordered to pay fines and fees, submit to a
23 Fourth Amendment waiver, comply with probation terms, and to stay away from WalMart.

24 c. The facts that led to the conviction are that on or about the afternoon of December
25 12, 2008, a loss prevention agent from a Riverside WalMart observed Respondent on closed
26 circuit surveillance exit the store without paying for a \$50 car CD player. The Riverside Police
27 Department cited Respondent for theft.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Commission of Acts Involving Dishonesty, Fraud, or Deceit)**

3 13. Respondent's application for licensure is subject to denial under section 480,
4 subdivisions (a)(2) and (a)(3)(A) of the Code in that on or about December 12, 2008, he
5 committed acts involving dishonesty, fraud, deceit, conduct that would be a ground for discipline
6 under section 4301, subdivision (f) of the Code for a registered pharmacy technician.

7 **THIRD CAUSE FOR DENIAL OF APPLICATION**

8 **(False Statement of Fact Required to be Revealed on His Application for Licensure)**

9 14. Respondent's application for licensure is subject to denial under section 480,
10 subdivision (c) of the Code in that on or about December 12, 2008, he committed acts involving
11 dishonesty, fraud, deceit, conduct that would be a ground for discipline under section 4301,
12 subdivision (f) of the Code for a registered pharmacy technician.

13 a. On or about February 4, 2013, Respondent signed his Pharmacy Technician
14 Application certifying under penalty of perjury under the laws of the State of California that his
15 answers in the application were true and correct.

16 b. Question 7 of the application asked:

17 Have you ever been convicted of any crime in any state, the USA and its territories,
18 military court or foreign country?

19 Check the box next to "Yes" if you have ever been convicted or plead guilty to any
20 crime. "Conviction" includes a plea of no contest and any conviction that has been
21 set aside or deferred pursuant to Sections 1000 or 1203.4 of the Penal Code, including
22 infractions misdemeanor, and felonies. You do not need to report a conviction for an
23 infraction with a fine of less than \$300 unless the infraction involved alcohol or
24 controlled substances. You must, however, disclose any convictions in which you
25 entered a plea of no contest and any convictions that were subsequently set aside
26 pursuant or deferred pursuant to sections 1000 or 1203.4 of the Penal Code.

27 Check the box "No" if you have not been convicted of a crime.

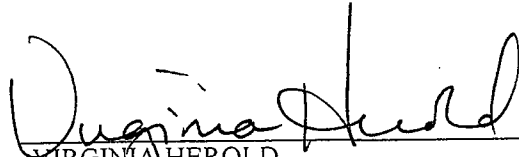
28 c. In response to the question, Respondent checked the box "No," failing to disclose his
February 20, 2009 conviction for violation of Penal Code section 490.5 (theft of retail
merchandise) even though the conviction met all criteria for disclosure. This conviction is
detailed in the First Cause for Denial, paragraph 12, above, and is incorporated herein by
reference.

PRAYER

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

1. Denying the application of Tychicus Robert Edwards for a Pharmacy Technician Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: 3/15/14



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

SD2013705700