

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

In the Matter of the Statement of Issues Against:

Case No. 5131

SOLOMON BJERKE
759 Freeman Avenue, Apt. 8
Long Beach, CA 90804

Pharmacy Technician Registration Applicant

Respondent.

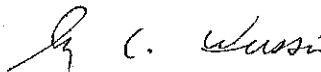
DECISION AND ORDER

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 October 22, 2014.

It is so ORDERED on October 15, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

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

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

13 **SOLOMON BJERKE**

14 Pharmacy Technician
15 Registration Applicant.
16
17
18

Case No. 5131

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
24 She brought this action solely in her official capacity and is represented in this matter by Kamala
25 D. Harris, Attorney General of the State of California, by Gillian E. Friedman, Deputy Attorney
26 General.

27 2. Respondent Solomon Bjerke (Respondent) is representing himself in this proceeding
28 and has chosen not to exercise his right to be represented by counsel.

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1. Certification Prior to Resuming Work

Respondent shall be automatically suspended from working as a pharmacy technician until he is certified as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the board. Respondent shall not resume working as a 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

- 1 a conviction of any crime
2 discipline, citation, or other administrative action filed by any state or federal agency
3 which involves respondent's pharmacy technician registration or which is related to
4 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
5 billing, or charging for any drug, device or controlled substance.

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

7 **3. Report to the Board**

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

16 **4. Interview with the Board**

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

22 **5. Cooperate with Board Staff**

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

26 **6. Notice to Employers**

27 During the period of probation, respondent shall notify all present and prospective
28 employers of the decision in case number 5131 and the terms, conditions and restrictions imposed

1 on respondent by the decision, as follows:

2 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
3 respondent undertaking any new employment, respondent shall cause his direct supervisor,
4 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
5 tenure of employment) and owner to report to the board in writing acknowledging that the listed
6 individual(s) has/have read the decision in case number 5131 and the terms and conditions
7 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
8 supervisor(s) submit timely acknowledgement(s) to the board.

9 If respondent works for or is employed by or through a pharmacy employment service,
10 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
11 of the terms and conditions of the decision in case number 5131 in advance of the respondent
12 commencing work at each pharmacy. A record of this notification must be provided to the board
13 upon request.

14 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
15 (15) days of respondent undertaking any new employment by or through a pharmacy employment
16 service, respondent shall cause his direct supervisor with the pharmacy employment service to
17 report to the board in writing acknowledging that he has read the decision in case number 5131
18 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
19 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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7. 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.

8. 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.

9. 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.

1 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

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

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

10 **11. Tolling of Probation**

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

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

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

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

1 a pharmacy technician as defined by Business and Professions Code section 4115.

2 **12. Violation of Probation**

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

8 If respondent violates probation in any respect, the board, after giving respondent notice
9 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
10 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
11 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
12 a petition to revoke probation or an accusation is filed against respondent during probation, the
13 board shall have continuing jurisdiction, and the period of probation shall be automatically
14 extended until the petition to revoke probation or accusation is heard and decided.

15 **13. Completion of Probation**

16 Upon written notice by the board indicating successful completion of probation,
17 respondent's pharmacy technician license will be fully restored.

18 **14. No Ownership of Licensed Premises**

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

26 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

27 If respondent has a confirmed positive test for alcohol or any drug not lawfully prescribed
28 by a licensed practitioner as part of a documented medical treatment, within five (5) days of

1 notification thereof respondent shall begin regular attendance at a recognized and established
2 substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, Narcotics
3 Anonymous, etc.) that has been approved by the board or its designee, attending at least one
4 group meeting per week unless otherwise directed by the board or its designee. Thereafter,
5 respondent shall continue regular attendance and submit signed and dated documentation
6 confirming attendance with each quarterly report for the duration of probation. Failure to attend
7 or submit documentation thereof shall be considered a violation of probation.

8 **16. Random Drug Screening**

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

25 During suspension, respondent shall not enter any pharmacy area or any portion of or any
26 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
27 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
28 devices or controlled substances are maintained. Respondent shall not do any act involving drug

1 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
2 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
3 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
4 substances. Respondent shall not resume work until notified by the board.

5 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
6 Subject to the above restrictions, respondent may continue to own or hold an interest in any
7 licensed premises in which he holds an interest at the time this decision becomes effective unless
8 otherwise specified in this order.

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

10 **17. Work Site Monitor**

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

21 **18. Notification of Departure**

22 Prior to leaving the probationary geographic area designated by the board or its designee for
23 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
24 writing of the dates of departure and return. Failure to comply with this provision shall be
25 considered a violation of probation.

26 **19. Abstain from Drugs and Alcohol Use**

27 Respondent shall completely abstain from the possession or use of alcohol, controlled
28 substances, dangerous drugs and their associated paraphernalia except when the drugs are

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

10 ACCEPTANCE

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

15
16 DATED:

9/4/14

Solomon Bjerke

SOLOMON BJERKE
Respondent

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ENDORSEMENT

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

Dated: 9/12/14

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



GILLIAN E. FRIEDMAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Statement of Issues No. 5131

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2 MARC D. GREENBAUM
Supervising Deputy Attorney General
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8 **BEFORE THE**
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
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11 In the Matter of the Statement of Issues
12 Against:

Case No. 5131

13 **SOLOMON BJERKE**

STATEMENT OF ISSUES

14 Pharmacy Technician Registration Applicant

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about July 17, 2013, the Board received an application for a/an Pharmacy
23 Technician Registration from Solomon Bjerke (Respondent). On or about June 28, 2013,
24 Solomon Bjerke certified under penalty of perjury to the truthfulness of all statements, answers,
25 and representations in the application. The Board denied the application on December 18, 2013.

26 **JURISDICTION**

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

1 indicated.

2 **STATUTORY PROVISIONS**

3 4. Section 480 states, in pertinent part:

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

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

12

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

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

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

25 5. Section 490 provides that a board may suspend or revoke a license on the ground that
26 the licensee has been convicted of a crime substantially related to the qualifications, functions, or
27 duties of the business or profession for which the license was issued.

28 ///

1 6. Section 4300, subdivision (c), states, in pertinent part:

2 "The board may refuse a license to any applicant guilty of unprofessional conduct. The
3 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
4 guilty of unprofessional conduct and who has met all other requirements for licensure. The board
5 may issue the license subject to any terms or conditions not contrary to public policy, . . ."

6 7. Section 4301 states, in pertinent part:

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

10

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

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

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

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4 "(n) The revocation, suspension, or other discipline by another state of a license to practice
5 pharmacy, operate a pharmacy, or do any other act for which a license is required by this
6 chapter. . . ."

7 **REGULATORY PROVISION**

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

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

15 **FIRST CAUSE FOR DENIAL OF APPLICATION**

16 **(Convictions of Substantially Related Crimes)**

17 9. Respondent's application is subject to denial under sections 480, subdivision (a),
18 and 4300, subdivision (c), and 4301, subdivision (l), on the grounds of unprofessional conduct,
19 and sections 480, subdivision (a)(3)(A)(B), and 490, in conjunction with California Code of
20 Regulations, title 16, section 1770, in that Respondent was convicted of crimes substantially
21 related to the qualifications, functions or duties of a licensee or registrant which to a substantial
22 degree evidence his present or potential unfitness to perform the functions authorized by his
23 license or registration in a manner consistent with the public health, safety, or welfare, as follows:

24 a. On or about July 26, 2011, after pleading guilty, Respondent was convicted of one
25 misdemeanor count of violating ORS section 811.182 [drive while suspended] in the criminal
26 proceeding entitled *State of Oregon v. Solomon Bjerke* (Muni. Ct. Clackamas County, 2011,
27 No. 11-1770). The Court placed Respondent on 18 months probation. The circumstances
28 underlying the conviction are that on or about May 31, 2011, Respondent drove a vehicle while

1 his driver's license was suspended.

2 b. On or about June 3, 2011, after pleading guilty, Respondent was convicted of one
3 misdemeanor count of violating Oregon Revised Statute (ORS) section 813.010 [driving under
4 the influence of intoxicants, DUI I] in the criminal proceeding entitled *State of Oregon v.*
5 *Solomon Bjerke* (Cr. Ct. Washington County, 2011, No. D110726T). The Court placed
6 Respondent on two (2) years probation, and ordered him to complete a DUI I Victims' Panel and
7 Alcohol Evaluation Treatment and Counseling. The circumstances underlying the conviction are
8 that on or about February 1, 2011, Respondent drove while under the influence of a tested
9 0.117/0.119% BAC.

10 c. On or about May 4, 2011, after pleading guilty, Respondent was convicted of one
11 misdemeanor count of violating ORS section 811.182 [drive while suspended] in the criminal
12 proceeding entitled *State of Oregon v. Solomon Bjerke* (Muni. Ct. Clackamas County, 2011,
13 No. 11M104242). The Court placed Respondent on 18 months probation. The circumstances
14 underlying the conviction are that on or about March 11, 2011, Respondent drove a vehicle while
15 his driver's license was suspended.

16 d. On or about February 12, 2009, after pleading guilty, Respondent was convicted of
17 one misdemeanor count of violating Nevada Revised Statute (NRS) sections 484.379 and
18 484.3792 [drive while under the influence of alcohol or with a greater than 0.08% blood alcohol
19 content (BAC)] in the criminal proceeding entitled *State of Nevada v Solomon Bjerke* (J. Ct.
20 Washoe County, 2009, No. RCR2009-046128). The Court ordered Respondent to complete 48
21 hours community service, a Level I Alcohol and Drug Abuse Program, and the Victims Impact
22 Panel. The circumstances underlying the conviction are that on or about January 1, 2009,
23 Respondent drove while under the influence of a tested 0.192% BAC.

24 **SECOND CAUSE FOR DENIAL OF APPLICATION**

25 **(Convictions Involving Alcoholic Beverages)**

26 10. Respondent's application is subject to denial under section 4300, subdivision (c), and
27 4301, subdivision (k), on the grounds of unprofessional conduct, in that Respondent sustained
28 two (2) misdemeanor convictions involving the use, consumption, or self-administration of

1 alcoholic beverages. Respondent's convictions involving alcoholic beverages were on or about
2 February 12, 2009, and June 3, 2011. Complainant refers to and by this reference incorporates the
3 allegations set forth above in paragraph 9, subparagraphs (b) and (d), as though set forth fully.

4 **THIRD CAUSE FOR DENIAL OF APPLICATION**

5 **(Discipline by the State of Oregon, Board of Pharmacy)**

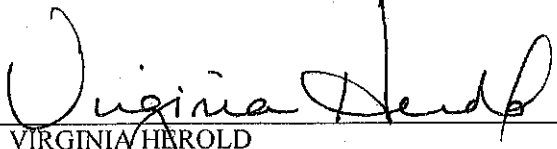
6 11. Respondent's application is subject to denial under section 4300, subdivision (c), and
7 4301, subdivision (n), on the grounds of unprofessional conduct, in that on or about October 1,
8 2013, the State of Oregon, Board of Pharmacy issued Respondent a Consent Order in the
9 administrative matter entitled *In the Matter of the Technician License of Solomon Bjerke*, Case
10 No. 2013-0173, placing Respondent on three (3) years probation pursuant to certain terms and
11 conditions. On the grounds of unprofessional conduct, Respondent violated the Oregon Pharmacy
12 Act and the Board of Pharmacy rules. The circumstances were that by Respondent's August 30,
13 2011 and August 31, 2012 renewal application for his pharmacy technician license, Respondent
14 failed to report arrests in the State of Oregon. Such arrests are described in paragraphs 9(a)-(c)
15 above.

16 **PRAYER**

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

- 19 1. Denying the application of Solomon Bjerke for a Pharmacy Technician Registration;
20 and
21 2. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 7/26/14


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

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