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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 Accusation Against:

Case No. 4396

12 **CRAIG ADAM HEFLEY**
4727 W. James Court
13 Visalia, California 93277

A C C U S A T I O N

14 Pharmacy Technician Registration
No. TCH 81889

15
16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about February 26, 2008, the Board issued Pharmacy Technician Registration
24 Number TCH 81889 to Craig Adam Hefley ("Respondent"). The Pharmacy Technician
25 Registration was in full force and effect at all times relevant to the charges brought herein and
26 will expire on January 31, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
4 indicated.

5 4. Section 118, subdivision (b), of the Code provides that the suspension,
6 expiration/surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
7 proceed with a disciplinary action during the period within which the license may be renewed,
8 restored, reissued or reinstated.

9 5. Section 4300 of the Code states that every license issued by the Board may be
10 suspended or revoked.

11 **STATUTORY PROVISIONS**

12 6. Section 4301 of the Code states:

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

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

21 (l) The conviction of a crime substantially related to the
22 qualifications, functions, and duties of a licensee under this chapter. The
23 record of conviction of a violation of Chapter 13 (commencing with Section
24 801) of Title 21 of the United States Code regulating controlled substances or
25 of a violation of the statutes of this state regulating controlled substances or
26 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all
27 other cases, the record of conviction shall be conclusive evidence only of the
28 fact that the conviction occurred. 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. The board may take action 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 Section 1203.4 of the Penal Code allowing the
person to withdraw his or her plea of guilty and to enter a plea of not guilty, or
setting aside the verdict of guilty, or dismissing the accusation, information, or
indictment.

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Conviction of Crimes)**

8 8. Respondent's license is subject to disciplinary action under Code section 4301,
9 subdivision (1), on the grounds of unprofessional conduct, in that on or about February 23, 2012,
10 Respondent was convicted on his plea of nolo contendere in the case titled *People v. Craig*
11 *Hefley*, Tulare County Superior Court Case No. VCF247498, to violating Welfare and Institutions
12 Code section 10980, subdivision (c)(2) [aid by misrepresentation in an amount over \$400.00], and
13 Penal Code section 118 [perjury by false application], both felonies. The crimes are substantially
14 related to the qualifications, functions, and duties of a registered pharmacy technician. The
15 underlying circumstances are as follows:

16 a. On or about dates unknown at this time, Respondent willfully and knowingly, with
17 the intent to deceive, by means of a false statement or representation obtained or retained aid
18 [welfare] to which he was not entitled in the amount of \$15,510.00. Respondent committed
19 perjury by false application to obtain the aid. Among other things, Respondent and his co-
20 defendant were ordered jointly and severally to pay restitution in the amount of \$15,510.00 to the
21 Health and Human Resources Agency.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Committed Acts of Moral Turpitude, Dishonesty, Fraud,**
24 **Deceit, or Corruption)**

25 9. Respondent's license is subject to disciplinary action under Code section 4301,
26 subdivision (f), on the grounds of unprofessional conduct, in that Respondent, on dates unknown
27 at this time, committed acts of moral turpitude, dishonesty, fraud, deceit, or corruption. The
28 underlying circumstances are set forth in paragraph 9, above, incorporated by reference.

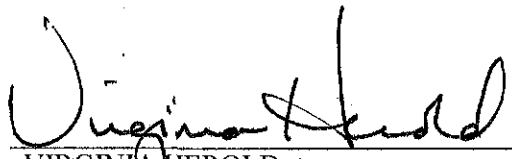
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PRAYER

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. Revoking or suspending Pharmacy Technician Registration Number TCH 81889, issued to Craig Adam Hefley;
2. Ordering Craig Adam Hefley to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/25/12



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

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