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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

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

Case No. 3512

12 **Angelica Christina Perez**
2600 Glenview Dr.
13 Hollister CA 95023

STATEMENT OF ISSUES

14 **Applicant for Pharmacy Technician**
Registration

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16 Respondent.

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19 Complainant alleges:

20 PARTIES

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

23 2. On or about January 13, 2009, the Board of Pharmacy, Department of Consumer
24 Affairs received an application for a Pharmacy Technician Registration from Angelica Christina
25 Perez (Respondent). On or about January 7, 2009, Angelica Christina Perez certified under
26 penalty of perjury to the truthfulness of all statements, answers, and representations in the
27 application. The Board denied the application on August 17, 2009.

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

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

20 6. Section 480 of the Code states:

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

23 (1) Been convicted of a crime. A conviction within the meaning of this section
24 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
25 Any action that a board is permitted to take following the establishment of a
26 conviction may be taken when the time for appeal has elapsed, or the judgment of
27 conviction has been affirmed on appeal, or when an order granting probation is made
28

1 suspending the imposition of sentence, irrespective of a subsequent order under the
2 provisions of Section 1203.4 of the Penal Code.

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

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

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

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

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

20 FACTUAL BACKGROUND

21 7. On or about August 4, 2004, Respondent harbored, concealed, and aided a person
22 who committed the crime of assault by means likely to produce great bodily injury. Respondent
23 knew the assault occurred yet aided the assailant with the intent that the assailant might escape
24 arrest, trial, conviction, and punishment.

25 8. On or about October 26, 2004, In Benito County Superior Court Case No. CR-04-
26 01430, Respondent was convicted of on a plea of no contest to violating Penal Code section 32,
27 accessory after the fact with knowledge of the crime. The circumstances leading to Respondent's
28 conviction are described in paragraph 8, above.

1 functions, and qualifications of a pharmacy technician. The circumstances are set forth in
2 paragraphs 9-10, above.

3 THIRD CAUSE FOR DENIAL OF APPLICATION

4 (Unprofessional Conduct – Dangerous/Injurious use of Drugs)

5 15. Respondent's application is subject to denial under sections 480(a)(3)(A), 4300 and
6 4301(h) of the code in that Respondent used drugs to the extent or in a manner that was
7 dangerous or injurious to herself. The circumstances are set forth in paragraphs 10-13, above.

8 FOURTH CAUSE FOR DENIAL OF APPLICATION

9 (Unprofessional Conduct – Possession of Controlled Substances)

10 16. Respondent's application is subject to denial under sections 480(a)(3), 4300 and
11 4301(j) of the code in that Respondent violated a statute of California concerning controlled
12 substances. The circumstances are set forth in paragraphs 9-12, above.

13 FIFTH CAUSE FOR DENIAL OF APPLICATION

14 (Unprofessional Conduct – Possession of Controlled Substances)

15 17. Respondent's application is subject to denial under sections 480(a)(3)(A), 4300 and
16 4301(j) of the code in that Respondent violated a statute of California concerning controlled
17 substances. The circumstances are set forth in paragraphs 9 and 11, above.

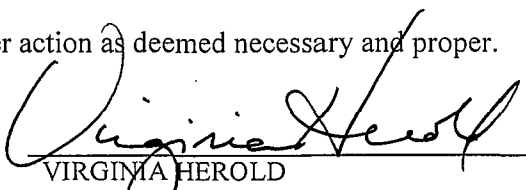
18 PRAYER

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

21 1. Denying the application of Angelica Christina Perez for Pharmacy Technician
22 Registration;

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

24 DATED: 6/3/10

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