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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
Against:
12 **LIZETTE RENDON**
13 **P.O. Box 444**
14 **Sultana, CA 97618**
15
16 Respondent.

Case No. 3535

STATEMENT OF ISSUES

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 April 18, 2008, the Board of Pharmacy, Department of Consumer Affairs
23 received an application for registration as a pharmacy technician from Lizette Rendon
24 (Respondent). On or about April 17, 2008, Lizette Rendon certified under penalty of perjury to
25 the truthfulness of all statements, answers, and representations in the application. The Board
26 denied the application on August 31, 2009.

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JURISDICTION

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 unless otherwise indicated.

3. Section 4300 subd. (c) provides:

“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.
- (7) Compliance with laws and regulations governing the practice of pharmacy.”

4. Section 4301 provides that the Board shall take action against a license holder of a licensee who is guilty of unprofessional conduct which includes in pertinent part the following:

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

“(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter...”

5. Section 480 states in pertinent part: “(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

///

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

7 ...

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

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

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

19 ...

20 FIRST CAUSE FOR DENIAL OF APPLICATION

21 (CRIMINAL CONVICTION)

22 6. Respondent's application is subject to denial under section 4300(c) in conjunction
23 with section 4301(f) and (i) and 480 in that on or about October 5, 2005, in a criminal proceeding
24 entitled People v. Lizette Rendon in Tulare County Superior Court, Case Number DCM 134082,
25 Respondent was convicted by plea of guilty to Penal Code section 594(A)(1), a misdemeanor.

26 The circumstances are as follows:

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1 a. On or about September 1, 2004, Respondent did unlawfully and maliciously
2 deface with graffiti and other inscribed materials and otherwise damage or destroy real and
3 personal property, to wit, 1998 CHEVY SILVERADO, belonging to Benjamin Alvarado.

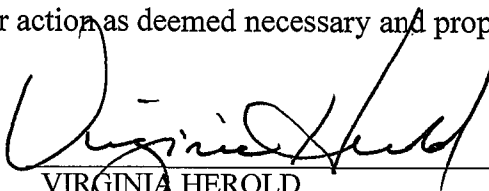
4 b. On or about October 5, 2005, Respondent was sentenced as follows: 3 years
5 probation and 70 days county jail.

6 PRAYER

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

- 9 1. Denying the application of Lizette Rendon for a pharmacy technician registration;
10 2. Taking such other and further action as deemed necessary and proper.

11
12 DATED: 3/15/10


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

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