

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant

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

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

Case No. 3858

13
14 **JOSEPH CHRISTOPHER GUTIERREZ**
1543 Wall Street
Tracy, CA 95376

STATEMENT OF ISSUES

15 **Pharmacy Technician License**

16 Respondent.

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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 10, 2010, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Pharmacy Technician License from Joseph Christopher
24 Gutierrez (Respondent). On or about February 1, 2010, Respondent certified under penalty of
25 perjury to the truthfulness of all statements, answers, and representations in the application. The
26 Board denied the application on August 18, 2010.

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1 a. On March 3, 2008, Respondent was operating a motor vehicle at or around 2 a.m.,
2 Respondent made a left turn from eastbound 11th Street to northbound Tracy Boulevard against a
3 red light in violation of Vehicle Code section 21453(c). In turning left at an intersection against a
4 red light, Respondent was a danger to himself and others. Respondent was subsequently
5 convicted by his plea of no contest to a violation of Vehicle Code section 23152(b) with a blood
6 alcohol level of .25.

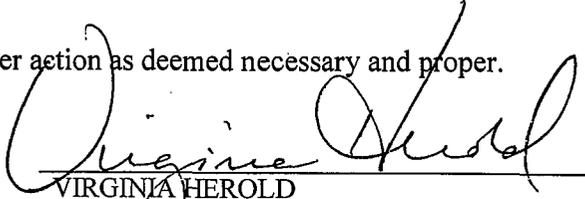
7 b. Respondent's acts if done by a licensee would result in the revocation, suspension or
8 other discipline by the Board and as such is grounds for denial of the Respondent's application
9 for a license.

10 **PRAYER**

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

- 13 1. Denying the application of Joseph Christopher Gutierrez for a Pharmacy Technician
14 License;
15 2. Taking such other and further action as deemed necessary and proper.

16 DATED: 1/20/11



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

21 SA2010102785
22 statement of issues.rtf