

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
4 State Bar No. 154990
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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
12 Against:

Case No. 4043

13 **Jill Susan Rayner**
14 **14504 Bradley Ridge**
15 **Igo, CA 96047**

STATEMENT OF ISSUES

Respondent.

16 Complainant alleges:

17 PARTIES

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

20 Application Information

21 2. On or about July 20, 2010, the Board of Pharmacy, Department of Consumer Affairs
22 received an application for a pharmacy technician registration from Jill Suzan Rayner
23 (Respondent). On or about July 15, 2010, Jill Suzan Rayner certified under penalty of perjury to
24 the truthfulness of all statements, answers, and representations in the application. The Board
25 denied the application on November 22, 2010. On or about January 21, 2011, Respondent
26 appealed the Board's denial of her application.

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28 //

JURISDICTION

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2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 475 of the Code states:

6 "(a) Notwithstanding any other provisions of this code, the provisions of this division shall
7 govern the denial of licenses on the grounds of:

8 ...

9 (2) Conviction of a crime.

10 ...

11 (4) Commission of any act which, if done by a licentiate of the business or
12 profession in question, would be grounds for suspension or revocation of license.

13 5. Section 480(a) of the Code states: "A board may deny a license regulated by this code
14 on the grounds that the applicant has one of the following:

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

22 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
23 revoke a license on the ground that the licensee has been convicted of a crime substantially
24 related to the qualifications, functions, or duties of the business or profession for which the
25 license was issued.

26 7. Section 4301 of the Code states:

27 "The board shall take action against any holder of a license who is guilty of unprofessional
28 conduct. . . [that] shall include, but is not limited to, any of the following:

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

 (l) The conviction of a crime substantially related to the qualifications,

1 functions, and duties of a licensee...”

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

7 **FIRST CAUSE FOR DENIAL OF APPLICATION**

8 (Conviction of a Crime)

9 9. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
10 475 (a)(4), 490, 4301(k), and 4301(l) in that Respondent has been convicted of the following
11 crimes: On or about June 28, 1988, in a criminal proceeding entitled *People v. Jill Susan Rayner*,
12 Shasta County Municipal Court Case Number 88D294, Respondent was convicted by plea of
13 guilty to violating: (1) Vehicle Code section 23152a (driving under the influence of alcohol or
14 drugs), a misdemeanor; (2) Vehicle Code section 16028 (no proof of financial responsibility); and
15 (3) Penal Code section 166.4 (contempt of court), a misdemeanor. The circumstances of the
16 crime are that on or about February 10, 1988, Respondent was arrested for driving under the
17 influence of alcohol. Respondent's blood alcohol content measured .17/ .18 at the time of the
18 arrest. Respondent was placed on three years probation. On or about September 1, 1988,
19 Respondent's probation was revoked for failing to report to the work release program, and was
20 subsequently reinstated. On or about April 15, 1991, Respondent's probation was revoked based
21 on Respondent's second DUI conviction on or about March 1, 1991.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 (Conviction of a Crime)

24 10. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
25 475 (a)(4), 490, 4301(k) and 4301(l) in that Respondent has been convicted of the following
26 crime: On or about March 1, 1991, in a criminal proceeding entitled *People v. Jill Susan Rayner*,
27 Shasta County Municipal Court Case Number 91D968, Respondent was convicted of violating
28 Vehicle Code section 23152a (driving under the influence of alcohol or drugs), a misdemeanor.

1 **THIRD CAUSE FOR DENIAL OF APPLICATION**

2 (Conviction of a Crime)

3 11. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
4 475 (a)(4), 490, 4301(k) and 4301(l) in that Respondent has been convicted of the following
5 crime: On or about December 11, 1991, in a criminal proceeding entitled *People v. Jill Susan*
6 *Rayner*, Shasta County Municipal Court Case Number 91D3731, Respondent was convicted of
7 violating Vehicle Code section 214601 (driving on a suspended license), a misdemeanor.

8 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

9 (Conviction of a Crime)

10 12. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
11 475 (a)(4), 490, 4301(k) and 4301(l) in that Respondent has been convicted of the following
12 crime: On or about August 30, 1993, in a criminal proceeding entitled *People v. Jill Susan*
13 *Rayner*, Shasta County Municipal Court Case Number CRTR930004966, Respondent was
14 convicted by plea of guilty to violating Vehicle Code section 23152a (driving under the influence
15 of alcohol or drugs), a misdemeanor. The circumstances of this crime are that on August 15,
16 1993, Respondent did willfully and unlawfully, while under the influence of an alcoholic
17 beverage and a drug and under their combined influence, drive a vehicle, a misdemeanor.
18 Respondent also admitted to two prior DUI convictions. The court ordered Respondent to serve
19 150 days in county jail, suspended Respondent's license for 3 years, required Respondent to
20 abstain from alcohol, and placed Respondent under 5 years of probation.

21 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

22 (Conviction of a Crime)

23 13. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
24 475 (a)(4), 490, 4301(k) and 4301(l) in that Respondent has been convicted of the following
25 crime: On or about September 3, 1996, in a criminal proceeding entitled *People v. Jill Susan*
26 *Rayner*, Shasta County Municipal Court Case Number CRM 960005935, Respondent was
27 convicted by plea of guilty to violating Penal Code section 647(F) (public intoxication), a
28 misdemeanor. The circumstances of this crime are that on August 21, 1996, Respondent did

1 willfully and unlawfully be in a public place under the influence of intoxicating liquor, a drug,
2 toluene, a substance defined as a poison in Schedule D of Section 4160 of the Business and
3 Professions Code, to the extent that she was unable to exercise care for her own safety and the
4 safety of others.

5 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

6 (Conviction of a Crime)

7 14. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
8 475 (a)(4), 490, 4301(k) and 4301(l) in that Respondent has been convicted of the following
9 crime: On or about January 14, 2002, in a criminal proceeding entitled *People v. Jill Susan*
10 *Rayner*, Shasta County Superior Court Case Number MCRDCRT010004743, Respondent was
11 convicted by plea of guilty to violating Vehicle Code section 14601.2(A) (driving when privilege
12 suspended for prior DUI conviction); a misdemeanor. The circumstances of this crime are that on
13 June 20, 2001, Respondent did unlawfully drive a motor vehicle at the time when her driving
14 privilege was suspended and revoked for a conviction of Section 23152 and 23153 of the Vehicle
15 Code (DUI), and when she had knowledge of said suspension and revocation. Respondent was
16 also alleged to have driven illegally on a suspended license on or about October 6, 2000 in Shasta
17 County Superior Court Case No. 00-8855, which case was dismissed upon entering a guilty plea
18 in the prior proceeding. The Court Ordered Respondent to serve ten days in jail and was placed
19 on probation for 36 months.

20 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

21 (Conviction of a Crime)

22 15. Respondent's application is subject to denial under sections 475(a)(2), 480(a)(1),
23 475 (a)(4), 490, and 4301(k) and 4301(l) in that Respondent has been convicted of the following
24 crime: On or about July 14, 2008, in a criminal proceeding entitled *People v. Jill Susan Rayner*,
25 Shasta County Superior Court Case Number MC RD CRT 080003054, Respondent was
26 convicted by plea of guilty to violating Vehicle Code sections 23152A (Driving under the
27 influence of alcohol and drugs) and 23152B (driving while having a 0.08% or higher blood
28 alcohol), both misdemeanors. The circumstances of the crimes are on March 18, 2008,

1 Respondent did willfully and unlawfully, while under the influence of an alcoholic beverage and
2 a drug and under their combined influence, drive a vehicle. Respondent's blood alcohol content
3 measured 0.27% at the time of the arrest. Respondent also admitted to two prior convictions for
4 driving on a suspended license. An enhancement was issued by the court for driving with a blood
5 alcohol content over 0.15%. Respondent was Ordered by the Court to sign a declaration of non-
6 ownership of a vehicle, to not to possess, consume, or use alcohol, to serve 60 days in jail, and
7 was granted 36 months of probation.

8 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

9 (Committed Acts Which if Done by a Licentiate Would Constitute Cause for Discipline)

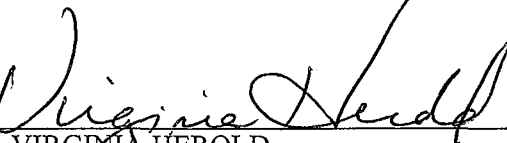
10 16. Respondent's application is subject to denial pursuant to Code section 475(A)(4), in
11 that Respondent committed acts which if done by a licentiate constitute cause for discipline
12 pursuant to Code sections 480(A)(1), 490, 4301(k) and 4301(l) as alleged in paragraphs 9 through
13 15.

14 **PRAYER**

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

- 17 1. Denying the application of Jill Suzan Rayner for registration as a Pharmacy
18 Technician;
19 2. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 2/17/19



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

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