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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
12 Against:

Case No. 4153

13 **DAVID PATRICK LONG**
14 **121 Brentwood Court**
Williamsburg, VA 23185
15 **Designated Representative License**

STATEMENT OF ISSUES

Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about February 2, 2011, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a/an Designated Representative License from David Patrick
23 Long (Respondent). On or about December 12, 2010, David Patrick Long certified under penalty
24 of perjury to the truthfulness of all statements, answers, and representations in the application.
25 The Board denied the application on June 14, 2011.

JURISDICTION

1
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 4300 of the Code states in pertinent part:

6 "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
7 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
8 guilty of unprofessional conduct and who has met all other requirements for licensure.

9 5. Section 4301 of the Code states in pertinent part:

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

13 "(l) The conviction of a crime substantially related to the qualifications,
14 functions, and duties of a licensee under this chapter. The record of conviction of a
15 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
16 States Code regulating controlled substances or of a violation of the statutes of this
17 state regulating controlled substances or dangerous drugs shall be conclusive
18 evidence of unprofessional conduct. In all other cases, the record of conviction shall
19 be conclusive evidence only of the fact that the conviction occurred. The board may
20 inquire into the circumstances surrounding the commission of the crime, in order to
21 fix the degree of discipline or, in the case of a conviction not involving controlled
22 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."

23 6. Section 480 of the Business and Professions Code provides, in pertinent part, that a
24 board may deny a license if the applicant has been convicted of a crime substantially related to
25 the qualifications, functions or duties of the business or profession for which application is made,
26 has committed any act involving dishonesty, fraud or deceit, has committed any act which if done
27 by a licentiate would be grounds for suspension or revocation of a license, or has knowingly made
28 a false statement of fact required to be revealed in the application.

1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Conviction of a Crime)

3 7. Respondent's application is subject to denial under sections 4300 in conjunction with
4 4301 and 480 in that on or about January 7, 2002, in a criminal proceeding entitled *United States*
5 *v. David P. Long* in United States District Court Eastern District of Virginia, Newport News
6 Division , Case Number 4:02MG00001-001, Respondent was convicted by plea of guilty in 21
7 USC 331(a), (b) and (k) and 331 (a) (1) and 18 USC 2 (Introduction of Misbranded Medical
8 Device into Interstate Commerce), a crime substantially related to the practice of pharmacy.

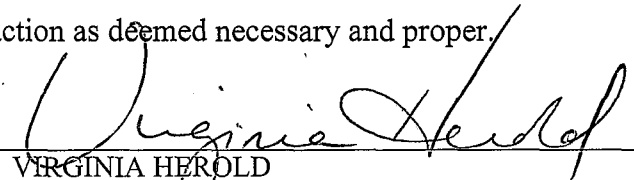
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10 PRAYER

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 David Patrick Long for a Designated Representative
14 License;
15 2. Taking such other and further action as deemed necessary and proper.

16 DATED: _____

17 1/24/12

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19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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