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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues
Against:
ALICE EILEEN WATCHORN
**Pharmacy Technician Registration
Applicant**

Respondent.

Case No. 4307

STATEMENT OF ISSUES

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
2. On or about July 8, 2011, the Board of Pharmacy, Department of Consumer Affairs received an application for a Pharmacy Technician Registration from Alice Eileen Watchorn (Respondent). On or about June 23, 2011, Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on April 2, 2012.

JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board),

1 Department of Consumer Affairs, under the authority of the following laws. All section
2 references are to the Business and Professions Code unless otherwise indicated.

3 4. Section 480 of the Code states, in pertinent part:

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

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

12 ...

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

15 ...

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

19 5. Section 490 of the Code provides that a board may suspend or revoke a license on the
20 ground that the licensee has been convicted of a crime substantially related to the qualifications,
21 functions, or duties of the business or profession for which the license was issued.

22 6. Section 4301, subdivision (h), of the Code provides that the Board shall take action
23 against a licensee for the dangerous use of a controlled substance.

24 7. Section 4301, subdivision (j), of the Code provides that the Board shall take action
25 against a licensee for violation of any of the statutes of this state, of any other state, or of the
26 United States regulating controlled substances and dangerous drugs.

27 8. Section 4301, subdivision (l), of the Code provides that the Board shall take action
28 against a licensee for conviction of a crime substantially related to the qualifications, functions,

1 and duties of the licensee.

2 **FIRST CAUSE FOR DENIAL OF APPLICATION**
3 **(Criminal Conviction)**
4 **(Bus. & Prof. Code § 480, subd. (a)(1))**

5 9. Respondent's application for a pharmacy technician registration is subject to denial
6 under Code section 480, subdivision (a)(1) (Criminal Conviction) because on or about October
7 17, 2007, in Sonoma County Superior Court Case No. SCR511901, *People of the State of*
8 *California v. Alice Eileen Watchorn*, Respondent pled no contest to and was convicted of
9 violating Health and Safety Code section 11377, subdivision (b) (Possession of a Controlled
10 Substance) and Penal Code section 273a, subdivision (b) (Willful Cruelty to a Child). On or
11 about December 20, 2007, Respondent was placed on a four-year term of probation for the
12 offenses.¹

13 10. The circumstances leading to Respondent's conviction were as follows:

14 (a) On or about April 20, 2007, the Sonoma County Sheriff's Office received a call from
15 a preschool administrator regarding an abusive parent. Based on an investigation the same day,
16 Respondent's four children, ranging in ages from three to nine, were taken into custody under
17 Welfare and Institutions Code section 300 (Juvenile Court Jurisdiction over Abused Child).

18 (b) On or about April 23, 2007, a sheriff's deputy went to Respondent's home to serve a
19 protective order for the preschool administrator who had reported Respondent. While the deputy
20 was at Respondent's home, Respondent displayed symptoms of being under the influence of
21 methamphetamine. Respondent then admitted using the drug, and the deputy found a bag of
22 methamphetamine and a pipe for smoking methamphetamine in Respondent's purse.

23 **SECOND CAUSE FOR DENIAL OF APPLICATION**
24 **(Conduct Grounds for License Discipline)**
25 **(Bus. & Prof. Code § 480, subd. (a)(3)(A))**

26 11. Respondent's application for a pharmacy technician registration is subject to denial
27 under Code section 480, subdivision (a)(3)(A) (Act Grounds for License Discipline) because

28 ¹ Respondent's petition for early termination of probation was granted on or about
December 22, 2010 and the case was dismissed under Penal Code section 1203.4 on or about
January 25, 2011.

1 Respondent's criminal conviction described above would have subjected a licensee to discipline
2 under Code sections 490 (Criminal Conviction) and 4301, subdivision (l) (Criminal Conviction).
3 In addition, the conviction for possession of a controlled substance would have subjected a
4 licensee to discipline under Code section 4301, subdivision (j) (Violation of Statute Regarding
5 Controlled Substance), while the circumstances leading to that conviction would have subjected a
6 licensee to discipline under Code section 4301, subdivision (h) (Dangerous Use of Controlled
7 Substance).

8 **THIRD CAUSE FOR DENIAL OF APPLICATION**
9 **(False Statement in Application)**
10 **(Bus. & Prof. Code § 480, subd. (c))**

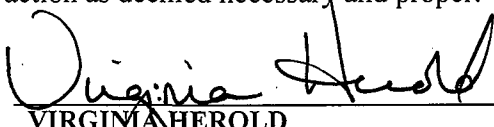
11 12. Respondent's application for a pharmacy technician registration is subject to denial
12 under Code section 480, subdivision (c) (False Statement in Application) because in her
13 application, she failed to reveal her criminal conviction described in paragraph 9 above.
14 Respondent answered "No" to Question Number 6, which asked, "Have you ever been convicted
15 of or pled no contest to a violation of any law of a foreign country, the United States or any state
16 laws or local ordinances? You must include all misdemeanor and felony convictions, regardless
17 of the age of the conviction, including those which have been set aside under Penal Code section
18 1203.4."

19 **PRAYER**

20 THEREFORE, Complainant requests that a hearing be held on the matters alleged in this
21 Statement of Issues, and that following the hearing, the Board of Pharmacy issue a decision:

- 22 1. Denying the application of Alice Eileen Watchorn for a Pharmacy Technician
23 Registration;
24 2. Taking such other and further action as deemed necessary and proper.

25 DATED: 8/14/12

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

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