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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. 4355

13 **PAUL DAVID LANGKAMP;**
14 **a.k.a., PAUL DAVID KAMP;**
15 **PAUL DAVIDLANG KAMP;**
16 **PAUL DAVID KAMPLANG;**
17 **PAUL D. LANGKAMP**

STATEMENT OF ISSUES

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about March 9, 2011, the Board of Pharmacy (“Board”) received an application
24 for Registration as a Pharmacy Technician from Paul David Langkamp, also known as Paul
25 David Kamp, Paul Davidlang Kamp, Paul David Kamplang, and Paul D. Langkamp,
26 (“Respondent”). On or about December 2, 2010, Respondent certified under penalty of perjury to
27 the truthfulness of all statements, answers, and representations in the application. The Board
28 denied the application on March 8, 2012.

1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Code section 480 states, in pertinent part:

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

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

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

18 (B) The board may deny a license pursuant to this subdivision only if the crime or act
19 is substantially related to the qualifications, functions, or duties of the business or profession for
20 which application is made."

21 5. Code section 490 states, in pertinent part:

22 "(a) In addition to any other action that a board is permitted to take against a licensee, a
23 board may suspend or revoke a license on the ground that the licensee has been convicted of a
24 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
25 or profession for which the license was issued.

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1 (b) Notwithstanding any other provision of law, a board may exercise any authority to
2 discipline a licensee for conviction of a crime that is independent of the authority granted under
3 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
4 of the business or profession for which the licensee's license was issued.

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

11 6. Code section 4300 provides, in pertinent part, that every license issued by the Board
12 is subject to discipline, including suspension or revocation."

13 7. Code section 4301 states, in pertinent part:

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

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18 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
19 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
20 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
21 to the extent that the use impairs the ability of the person to conduct with safety to the public the
22 practice authorized by the license.

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

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1 "(l) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
6 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
7 The board may inquire into the circumstances surrounding the commission of the crime, in order
8 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
9 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
10 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
11 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
12 of this provision. The board may take action when the time for appeal has elapsed, or the
13 judgment of conviction has been affirmed on appeal or when an order granting probation is made
14 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
15 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
16 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
17 indictment.

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19 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
20 violation of or conspiring to violate any provision or term of this chapter or of the applicable
21 federal and state laws and regulations governing pharmacy, including regulations established by
22 the board or by any other state or federal regulatory agency.

23 "(p) Actions or conduct that would have warranted denial of a license."

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

3 "For the purpose of denial, suspension, or revocation of a personal or facility license
4 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
5 crime or act shall be considered substantially related to the qualifications, functions or duties of a
6 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
7 licensee or registrant to perform the functions authorized by his license or registration in a manner
8 consistent with the public health, safety, or welfare."

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(Convictions of Crimes)**

11 9. Respondent's application is subject to denial under Code section 480, subdivision
12 (a)(1), in that Respondent was convicted of crimes, as follows:

13 a. On or about April 6, 2010, after pleading guilty, Respondent was convicted of one
14 misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a) [driving while
15 driving privileges are suspended and revoked with knowledge] in the criminal proceedings
16 entitled *The People of the State of California v. Paul David Langkamp* (Super. Ct. Orange
17 County, 2010, No. 10WM03071). The Court sentenced Respondent to serve 10 days in Orange
18 County Jail and placed him on 3 years probation, with terms and conditions. The circumstances
19 surrounding the conviction are that on or about February 12, 2010, during a traffic stop by the
20 Huntington Beach Police Department, Respondent was contacted. Respondent told the officer his
21 license was suspended. A records check indicated that Respondent also had an outstanding
22 warrant. Respondent was subsequently arrested.

23 b. On or about March 13, 2009, after pleading guilty, Respondent was convicted of one
24 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while
25 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceedings entitled
26 *The People of the State of California v. Paul David Langkamp* (Super. Ct. Orange County, 2009,
27 No. 09WM01516). The Court sentenced Respondent to serve 40 days in Orange County Jail and
28 placed him on 3 years probation, with terms and conditions. The circumstances surrounding the

1 conviction are that on or about November 9, 2008, Respondent was stopped by the Orange
2 County Sheriff's Department due to an outstanding bench warrant issued to the registered owner
3 of the vehicle. While speaking to Respondent, the officer detected a strong odor of an alcoholic
4 beverage emitting from his breath. He was observed to have glassy eyes and slurred speech.
5 When asked what he had been drinking, Respondent stated, "Bud Light." While at the scene,
6 Respondent submitted to a Preliminary Alcohol Screening Test that resulted in a breath-alcohol
7 content level of 0.127% on the first reading and 0.131% on the second. Respondent was
8 subsequently arrested.

9 c. On or about March 15, 2007, after pleading guilty, Respondent was convicted of one
10 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the
11 influence of alcohol or drugs] and one count of violating Vehicle Code section 23512, subdivision
12 (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
13 proceedings entitled *The People of the State of California v. Paul David Langkamp* (Super. Ct.
14 Orange County, 2007, No. 06NM15368). The Court placed Respondent on 3 years probation,
15 with terms and conditions. On or about February 18, 2009, the Court revoked Respondent's
16 probation and issued a warrant for a probation violation based on new case, 09WM01516. On or
17 about March 13, 2009, the Court reinstated Respondent's previous probation, but modified the
18 previous order to add 10 days in Orange County Jail. The circumstances surrounding the
19 conviction are that on or about September 23, 2006, Respondent was contacted during a traffic
20 stop by the Brea Police Department. While speaking to Respondent, the officer detected a strong
21 odor of alcoholic beverage emitting from is breath. He was observed to have bloodshot, watery
22 eyes, and slurred speech. When asked if he had consumed any alcoholic beverages, Respondent
23 stated, "one beer." During the booking procedure, Respondent submitted to a blood test that
24 resulted in a blood-alcohol content level of 0.10%.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Acts Warranting Denial of Licensure)**

3 10. Respondent's application is subject to denial under Code sections 4301, subdivision
4 (p) and 480, subdivisions (a)(3)A) and (a)(3)(B), in that Respondent committed acts which if
5 done by a licentiate of the business and profession in question, would be grounds for suspension
6 or revocation of his license as follows:

7 a. Respondent was convicted of crimes substantially related to the qualifications,
8 functions, or duties of a pharmacy technician which to a substantial degree evidence his present
9 or potential unfitness to perform the functions authorized by his license in a manner consistent
10 with the public health, safety, or welfare, in violation of Code sections 4031, subdivision (l), and
11 490, in conjunction with California Code of Regulations, title 16, section 1770. Complainant
12 refers to, and by this reference incorporates, the allegations set forth above in paragraph 9,
13 subparagraphs (a) through (c), inclusive, as though set forth fully.

14 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or
15 injurious to himself, another person, or the public, in violation of Code section 4301, subdivision
16 (h). Complainant refers to, and by this reference incorporates, the allegations set forth above in
17 paragraph 9, subparagraphs (b) and (c), inclusive, as though set forth fully.

18 c. Respondent was convicted of crimes involving the consumption of alcoholic
19 beverages, in violation of section 4301, subdivision (k). Complainant refers to, and by this
20 reference incorporates, the allegations set forth above in paragraph 9, subparagraphs (b) and (c),
21 inclusive, as though set forth fully.

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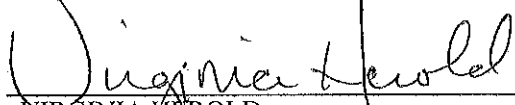
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PRAYER

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

1. Denying the application of Respondent for Registration as a Pharmacy Technician;
- and
2. Taking such other and further action as deemed necessary and proper.

DATED: 2/12/13



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