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

10 In the Matter of the Statement of Issues
11 Against:
12 **BRENDAN JOHN KELLY**
13 Respondent.

Case No. 5083

STATEMENT OF ISSUES

14
15
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 2. On or about May 6, 2013, the Board of Pharmacy, Department of Consumer Affairs
21 received an application for registration as an intern pharmacist from Brendan John Kelly
22 (Respondent). On or about May 2, 2013, Brendan John Kelly certified under penalty of perjury to
23 the truthfulness of all statements, answers, and representations in the application. The Board
24 denied the application on October 16, 2013.

25 JURISDICTION

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

1 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
2 Procedure."

3 6. Section 4301 of the Code states:

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

7 ...

8 "(j) The violation of any of the statutes of this state, or any other state, or of the United
9 States regulating controlled substances and dangerous drugs.

10 CAUSE FOR DENIAL OF APPLICATION

11 (Violation of Drug Laws)

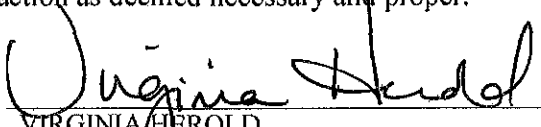
12 7. Respondent's application is subject to denial under sections 4300 and 480(a)(3) of the
13 code in conjunction with 4301(j) of the code in that Respondent was involved in unprofessional
14 conduct that would be cause for discipline if performed by an intern pharmacist. On or about
15 May 20, 2012, Respondent possessed marijuana and lysergic acid diethylamide (aka LSD) in
16 violation of the Laws of Alabama and the United States.

17 PRAYER

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

- 20 1. Denying the application of Brendan John Kelly for a Pharmacy Intern License;
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 3/17/14

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

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