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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:

Case No. 5085

12 **ERICA LYNN BOWMAN**

STATEMENT OF ISSUES

13 Respondent.
14

15 Complainant alleges:

16 PARTIES

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

19 2. On or about May 21, 2013, the Board of Pharmacy, Department of Consumer Affairs
20 received an application for registration as a Pharmacy Technician from Erica Lynn Bowman
21 (Respondent). On or about May 15, 2013, Erica Lynn Bowman certified under penalty of perjury
22 to the truthfulness of all statements, answers, and representations in the application. The Board
23 denied the application on October 16, 2013.

24 JURISDICTION

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

28 4. Section 480 of the Code states:

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

7 FIRST CAUSE FOR DENIAL OF APPLICATION

8 (Conviction)

9 8. Respondents application is subject to denial under sections 480(a)(1) of the code and
10 section 4300(c) of the code in conjunction with 4301(l) of the code in the Respondent was
11 convicted of a crime that is substantially related to the duties, functions, and qualifications of a
12 pharmacy technician. On or about September 15, 2009, in Monterrey County Superior Court
13 Case No. MS279468A, Respondent was convicted of violating Penal Code Section 484, petty
14 theft. On or about July 20, 2009, Respondent stole from a Macys store.

15 SECOND CAUSE FOR DENIAL OF APPLICATION

16 (Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

17 9. Respondents application is subject to denial under sections 480(a)(2) of the code in
18 conjunction with sections 4300(c) and 4301(f) of the code in the Respondent committed an act
19 involving act involving moral turpitude, dishonesty, fraud, deceit, or corruption. If this act was
20 performed by a licensee it would be cause for discipline. The circumstances are described in
21 paragraph 8, above.

22 THIRD CAUSE FOR DENIAL OF APPLICATION

23 (Violation of Drug Laws)

24 10. Respondents application is subject to denial under sections 480(a)(2) of the code in
25 conjunction with sections 4300(c) and 4301(j) of the code in the Respondent violated the drug
26 laws of California in follows:

27 a) On or about July 16, 2008, Respondent violated Health and Safety Code Section
28 11377(A), possession of a controlled substance. Respondent possessed heroin and marijuana.

