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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 Against:

Case No. 5104

12 **KWAKU YEBOAH AGYEMAN**

13 **Applicant for Pharmacist License**

STATEMENT OF ISSUES

14 Respondent.

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 October 23, 2013, the Board of Pharmacy, Department of Consumer
21 Affairs received an Application for Pharmacist Examination and Licensure from Kwaku Yeboah
22 Agyeman (Respondent). On or about October 2, 2013, Kwaku Yeboah Agyeman certified under
23 penalty of perjury as to the truthfulness of all statements, answers, and representations in the
24 Application. The Board denied the Application on or about December 18, 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 (Code) unless otherwise indicated.

1 7. California Code of Regulations, title 16, section 1770, states:

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

8
9 FIRST CAUSE FOR DENIAL OF APPLICATION

10 (Conviction of Substantially Related Crime(s))

11 8. Respondent's application is subject to denial under the following section(s) of the
12 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and
13 California Code of Regulations, title 16, section 1770, in that he committed criminal acts and was
14 convicted of a criminal offense substantially related to the qualifications, functions or duties of a
15 pharmacist. The circumstances are as follows:

16 a. On or about February 1, 2004, while a college student at Virginia Commonwealth
17 University, Respondent and associates planned to engage in selling marijuana on the university
18 campus. Respondent was arrested for two criminal offenses, possession of marijuana with the
19 intent to distribute, and possession of marijuana in a school zone.

20 b. On or about May 19, 2004, in Richmond City Circuit Court of Richmond, Virginia,
21 Case No. 761GC0400084700, Respondent pleaded guilty to possession of marijuana.

22 SECOND CAUSE FOR DISCIPLINE

23 (Violation of Laws Regulating Controlled Substances and/or Pharmacy)

24 9. Respondent's application is subject to denial under the following section(s) of the
25 Code: 480(a)(3) by reference to section 4301(j) and/or (o) of the Code; and/or 4300(c) by
26 reference to section 4301(j) and/or (o), in that Respondent, as described in paragraph 8, violated,
27 conspired to violate, and/or assisted in or abetted violation of laws regulating controlled
28 substances and/or federal or state laws or regulations governing pharmacy.

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THIRD CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct)

10. Respondent's application is subject to denial under the following section(s) of the Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as described in paragraphs 8 and 9, Respondent engaged in unprofessional conduct.

OTHER CONSIDERATIONS

11. On or about September 30, 2008, Respondent filed an application dated September 29, 2008 with the Board of Pharmacy to obtain an Intern Pharmacist Registration. The Board of Pharmacy denied that application on or about January 14, 2009, based on the same conduct and conviction described above. Respondent appealed the denial.

12. On or about August 20, 2009, a Statement of Issues was filed. In or about December 2009, Respondent and his counsel agreed to / executed a Stipulated Settlement and Disciplinary Order in settlement of the Statement of Issues, whereby Respondent admitted the truth of the Statement of Issues, agreed that his application was subject to denial, and agreed to be bound by the Board's imposition of discipline in a Disciplinary Order calling for the Intern Pharmacist Registration to be issued and immediately revoked, with revocation stayed in favor of a period of probation of five (5) years, on specified terms and conditions including required enrollment or re-enrollment in pharmacy school, compliance with school requirements, random drug screening, abstention from drug and alcohol use, and other terms and conditions of probation.

13. By Decision and Order effective December 30, 2009, the Stipulated Settlement and Disciplinary Order was adopted by the Board of Pharmacy.

PRAYER

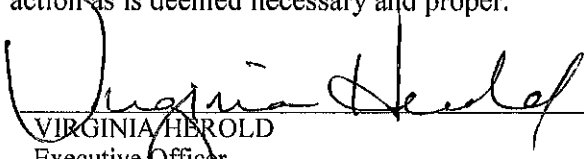
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Denying the application of Kwaku Yeboah Agyeman for a Pharmacist License;

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2. Taking such other and further action as is deemed necessary and proper.

DATED: 3/14/14



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

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