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8	BEFORI	
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CA	
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 state	ments, answers, and representations in the
24	Application. The Board denied the Application or	or about December 18, 2013.
25	JURISDI	<u>CTION</u>
26	3. This Statement of Issues is brought be	fore 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.	
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		STATEMENT OF ISSUES (Case No. 5104)

1	STATUTORY AND REGULATORY PROVISIONS	
2	4. Section 4300, subdivision (c), of the Code states:	
3	"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The	
4	board may, in its sole discretion, issue a probationary license to any applicant for a license who is	
5	guilty of unprofessional conduct and who has met all other requirements for licensure. The board	
6	may issue the license subject to any terms or conditions not contrary to public policy"	
7	5. Section 480 of the Code states, in pertinent part:	
8	"(a) A board may deny a license regulated by this code on the grounds that the applicant	
9	has one of the following:	
10	"(1) Been convicted of a crime Any action which a board is permitted to take following	
11	the establishment of a conviction may be taken irrespective of a subsequent order under the	
12	provisions of Section 1203.4 of the Penal Code.	
13		
14	"(3) Done any act which if done by a licentiate of the business or profession in question,	
15	would be grounds for suspension or revocation of license.	
16	"The board may deny a license pursuant to this subdivision only if the crime or act is	
17	substantially related to the qualifications, functions or duties of the [license]."	
18	6. Section 4301 of the Code provides, in pertinent part, that "unprofessional conduct" is	
19	defined to include, but not be limited to, any of the following:	
20	(j) The violation of any of the statutes of this state, of any other state, or of the United States	
21	regulating controlled substances and dangerous drugs.	
22	(I) The conviction of a crime substantially related to the qualifications, functions, and duties	
23	of a licensee under this chapter.	
24	(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the	
25	violation of or conspiring to violate any provision or term of this chapter or of the applicable	
26	federal and state laws and regulations governing pharmacy, including regulations established by	
27	the board or by any other state or federal regulatory agency.	
28	///	
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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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	STATEMENT OF ISSUES (Case No. 5104)	

1	THIRD CAUSE FOR DENIAL OF APPLICATION	
2	(Unprofessional Conduct)	
3	10. Respondent's application is subject to denial under the following section(s) of the	
4	Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as described	
5	in paragraphs 8 and 9, Respondent engaged in unprofessional conduct.	
6		
7	OTHER CONSIDERATIONS	
8	11. On or about September 30, 2008, Respondent filed an application dated September	
9	29, 2008 with the Board of Pharmacy to obtain an Intern Pharmacist Registration. The Board of	
10	Pharmacy denied that application on or about January 14, 2009, based on the same conduct and	
11	conviction described above. Respondent appealed the denial.	
12	12. On or about August 20, 2009, a Statement of Issues was filed. In or about December	
13	2009, Respondent and his counsel agreed to / executed a Stipulated Settlement and Disciplinary	
14	Order in settlement of the Statement of Issues, whereby Respondent admitted the truth of the	
15	Statement of Issues, agreed that his application was subject to denial, and agreed to be bound by	
16	the Board's imposition of discipline in a Disciplinary Order calling for the Intern Pharmacist	
17	Registration to be issued and immediately revoked, with revocation stayed in favor of a period of	
18	probation of five (5) years, on specified terms and conditions including required enrollment or re-	
19	enrollment in pharmacy school, compliance with school requirements, random drug screening,	
20	abstention from drug and alcohol use, and other terms and conditions of probation.	
21	13. By Decision and Order effective December 30, 2009, the Stipulated Settlement and	
22	Disciplinary Order was adopted by the Board of Pharmacy.	
23		
24		
25	PRAYER	
26	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
27	and that following the hearing, the Board of Pharmacy issue a decision:	
28	1. Denying the application of Kwaku Yeboah Agyeman for a Pharmacist License;	
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Taking such other and further action as is deemed necessary and proper. 2. DATED: VIRGINIA Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant LA2014511253 40916107.doc STATEMENT OF ISSUES (Case No. 5104)