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

11 In the Matter of the Statement of Issues  
Against:

Case No. 5537

12 **TANESHIA NICOLE COLEMAN**  
13 **aka TANESHIA BOBBLER**

**STATEMENT OF ISSUES**

14 Pharmacy Technician Registration Applicant

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about April 11, 2014, the Board received an application for a Pharmacy  
23 Technician Registration from Taneshia Nicole Coleman also known as Taneshia Bobbler  
24 (Respondent). On or about March 25, 2014, Respondent certified under penalty of perjury to the  
25 truthfulness of all statements, answers, and representations in the application. The Board denied  
26 the application on May 29, 2015.

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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 unless otherwise  
4 indicated.

5 4. Section 4300, subdivision (c), states, in pertinent part:

6 "The board may refuse a license to any applicant guilty of unprofessional conduct. The  
7 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
8 guilty of unprofessional conduct and who has met all other requirements for licensure. . . ."

9 5. Section 4300.1 states, in pertinent part:

10 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation  
11 of law or by order or decision of the board or a court of law, the placement of a license on a  
12 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of  
13 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding  
14 against, the licensee or to render a decision suspending or revoking the license."

15 **STATUTORY PROVISIONS**

16 6. Section 480 states, in pertinent part:

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

19 "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
20 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
21 board is permitted to take following the establishment of a conviction may be taken when the time  
22 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an  
23 order granting probation is made suspending the imposition of sentence, irrespective of a  
24 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

25 . . . .

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

28 "(B) The board may deny a license pursuant to this subdivision only if the crime or

1 act is substantially related to the qualifications, functions, or duties of the business or profession  
2 for which application is made.

3 "(b) Notwithstanding any other provision of this code, a person shall not be denied a  
4 license solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
5 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
6 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
7 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
8 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
9 Section 482.

10 "(c) Notwithstanding any other provisions of this code, a person shall not be denied a  
11 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
12 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
13 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
14 of the dismissal.

15 "(d) A board may deny a license regulated by this code on the ground that the applicant  
16 knowingly made a false statement of fact that is required to be revealed in the application for the  
17 license."

18 7. Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
19 on the ground that the licensee has been convicted of a crime substantially related to the  
20 qualifications, functions, or duties of the business or profession for which the license was issued.

21 8. Section 4301 states, in pertinent part:

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

25 . . . .

26 "(g) Knowingly making or signing any certificate or other document that falsely represents  
27 the existence or nonexistence of a state of facts.

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

6           ....

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

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

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1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1770, states:

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 10. **CONTROLLED SUBSTANCES AND/OR DANGEROUS DRUGS**

10 a. "Cannabinoids," the chemical compounds that are the active principles in marijuana  
11 and are Schedule I controlled substances as defined in Health and Safety Code section 11054,  
12 subdivision (d)(13). Marijuana is categorized as a dangerous drug pursuant to section 4022.

13 b. "Lorazepam," a benzodiazepine derivative, is a Schedule IV controlled substance as  
14 designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a  
15 dangerous drug pursuant to section 4022.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(Conviction of a Substantially Related Crime)**

18 11. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
19 that Respondent has been convicted of a crime substantially related to the qualifications, functions  
20 or duties of a pharmacy technician, as follows:

21 a. On or about October 11, 2011, after pleading guilty, Respondent was convicted of one  
22 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having  
23 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People*  
24 *of the State of California v. Taneshia Nicole Coleman* (Super. Ct. San Bernardino County, 2011,  
25 No. TVA1100864). The Court sentenced Respondent to serve 45 days in jail, ordered her to  
26 attend a 9-month alcohol program, and was placed on 36 months probation, with terms and  
27 conditions.

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1           b.     The circumstances surrounding the conviction are that on or about May 29, 2011,  
2 Rialto Police officers responded to a traffic collision. When officers arrived on the scene,  
3 Respondent was lying on the ground. She was observed to have red watery eyes, she had a strong  
4 odor of an alcoholic beverage on her breath, and her speech was slurred. Respondent was  
5 unresponsive to questions, made unintelligible statements, and was waving her arms back and forth  
6 as she lay on her back. Subsequently, she was transported by paramedics to Arrowhead Regional  
7 Medical Center for medical attention. While at the hospital, Respondent submitted to a blood test  
8 that revealed a blood alcohol content level of 0.22%. Respondent also tested positive for  
9 cannabinoids and lorazepam.

10           c.     On or about June 5, 2008, after pleading guilty, Respondent was convicted of one  
11 misdemeanor count of violating Penal Code section 273A, subdivision (a) [willful cruelty to child]  
12 and one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving  
13 while having 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding entitled  
14 *The People of the State of California v. Taneshia Nicole Coleman* (Super. Ct. San Bernardino  
15 County, 2008, No. FWV801304). The Court sentenced Respondent to serve 30 days in jail,  
16 ordered her to attend a first offender 4-month alcohol program, attend parenting classes, and  
17 placed her on 36 months probation, with terms and conditions. On or about March 5, 2015, the  
18 Court dismissed the matter pursuant to Penal Code section 1203.4.

19           d.     The circumstances surrounding the conviction are that on or about May 6, 2008,  
20 Respondent was stopped by an Upland Police officer. While speaking to Respondent, she  
21 displayed symptoms of alcohol intoxication. She had a strong odor of an alcohol beverage, her  
22 eyes were watery and bloodshot, and her speech was slurred. During the booking procedure,  
23 Respondent submitted to a breath test that revealed a blood alcohol content level of 0.13% on the  
24 first and second readings. Respondent's 13 year old and 9 month old daughters, who were in the  
25 vehicle at the time of the stop were released to their uncle.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Knowingly Made a False Statement of Fact)**

3 12. Respondent's application is subject to denial under section 480, subdivisions (d), in  
4 that on or about May 25, 2014, Respondent knowingly made a false statement of fact by failing to  
5 disclose her convictions of June 5, 2008 and October 11, 2011, on her application for a pharmacy  
6 technician registration. Respondent answered "No" under penalty of perjury to question 7, which  
7 states:

8 Have you ever been convicted of a crime in any state, the USA and its territories,  
9 military court or foreign country?

10 Check the box next to "Yes" if, you have ever been convicted or plead guilty to any  
11 crime. "Conviction" includes a plea of no contest and any conviction that has been set aside order  
12 deferred pursuant to Section 1000 or 1203.4 of the Penal Code, including infractions,  
13 misdemeanor, and felonies. You do not need to report a conviction for an infraction with a fine of  
less than \$300 unless the infraction involved alcohol or controlled substances. You must,  
however, disclose any convictions in which you entered a plea on no contest and any convictions  
that were subsequently set aside pursuant or deferred pursuant to sections 1000 or 1203.4 of the  
Penal Code.

14 **THIRD CAUSE FOR DENIAL OF APPLICATION**

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

16 13. Respondent's application is subject to denial under section 480, subdivisions (a)(3)A  
17 and (a)(3)(B), in that Respondent committed acts which if done by a registered pharmacy  
18 technician would be grounds for suspension or revocation of the license as follows:

19 a. Respondent was convicted of crimes substantially related to the qualifications,  
20 functions, or duties of a pharmacy technician which to a substantial degree evidence her present or  
21 potential unfitness to perform the functions authorized by the license in a manner consistent with  
22 the public health, safety, or welfare, in violation of sections 4031, subdivision (l) and 490, in  
23 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,  
24 and by this reference incorporates, the allegations set forth above in paragraph 10, as though set  
25 forth fully.

26 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or  
27 injurious to herself, any person, or the public, in violation of section 4301, subdivision (h).

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1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraph 10, subparagraphs (b) and (d), inclusive, as though set forth fully.

3 c. Respondent sustained more than one conviction involving the consumption of  
4 alcoholic beverages, in violation of section 4301, subdivision (k). Complainant refers to, and by  
5 this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) and  
6 (c), inclusive, as though set forth fully.

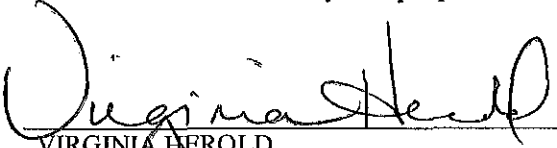
7 d. Respondent was found to be under the influence of cannabinoids and benzodiazepines,  
8 a controlled substance and/or dangerous drug, in violation of section 4301, subdivisions (h).  
9 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
10 paragraph 10, subparagraph (b), as though set forth fully.

11 **PRAYER**

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

- 14 1. Denying the application of Taneshia Nicole Coleman also known as Taneshia Bobbler  
15 for a Pharmacy Technician Registration;  
16 2. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 12/21/15

  
19 VIRGINIA HEROLD  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

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