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4	Supervising Deputy Attorney General State Bar No. 161082		
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6	Oakland, CA 94612-0550 Telephone: (510) 622-2212 Facsimile: (510) 622-2270		
. 7	Attorneys for Complainant		
8	BEFORE THE BOARD OF PHARMACY		
, 9.	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Statement of Issues Against:	Case No. 5720	
12	SONIA L. PEREZ, a.k.a. SONIA		
13	PEARMAN	STATEMENT OF ISSUES	
14	Pharmacy Technician Registration Applicant		
15 16	Respondent.	,	
17	Complainant alleges:	•	
18	<u>PARTIES</u>		
19	Virginia Herold (Complainant) bring	s this Statement of Issues solely in her official	
20	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,		
21	2. On or about May 6, 2015, the Board of Pharmacy, Department of Consumer Affairs		
22	received an application for a Pharmacy Technician Registration from Sonia L. Perez, also known		
23	as Sonia Pearman (Respondent). On or about April 14, 2015, Respondent certified under penalty		
24	of perjury to the truthfulness of all statements, answers, and representations in the application.		
25	The Board denied the application on December 17, 2015.		
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## JURISDICTION

- 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
  Department of Consumer Affairs, under the authority of the following laws. All section
  references are to the Business and Professions Code unless otherwise indicated.
- 4. Section 118, subdivision (a), of the Code provides, in pertinent part, that the withdrawal of an application for a license after it has been filed with the Board shall not, unless the Board has consented in writing to such withdrawal, deprive the Board of jurisdiction to proceed against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.

## STATUTORY/REGULATORY PROVISIONS

- 5. Section 480 of the Code states:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:
- "(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.
- "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.
- "(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.
- "(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.
  - "(d) A board may deny a license regulated by this code on the ground that the applicant

knowingly made a false statement of fact required to be revealed in the application for the license."

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

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

7. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

## FACTUAL BACKGROUND

8. On or about June 25, 2009, in a criminal proceeding entitled *People of the State of California vs. Sonia Pearman*, in Alameda County Superior Court, Case No. H46945, Respondent was convicted of use of credit card information without consent, a felony. (Penal Code, § 484e, subd. (d).) Specifically, while employed at Kaiser Permanente, Respondent admitted to copying patient's credit card information, printing it out, and using it to make fraudulent purchases. Respondent admitted to taking 30-50 individual credit card numbers and

1	associated information over a period of several months. The court ordered Respondent to five		
2	years probation and serve eight months in county jail.		
3	FIRST CAUSE FOR DENIAL OF APPLICATION  (Substantially Related Conviction)  (Bus. & Prof. Code, § 480, subd. (a)(1).)		
5	9. Respondent has subjected her application for a Pharmacy Technician Registration to		
6	denial in that she was convicted of a crime substantially related to the qualifications, functions,		
7	and duties of a Pharmacy Technician. (Bus. & Prof. Code, § 480, subd. (a)(1).) The		
8	circumstances are set forth in paragraph 8, above.		
9 10	SECOND CAUSE FOR DENIAL OF APPLICATION  (Committed Acts of Dishonesty, Fraud, or Deceit)  (Bus. & Prof. Code, § 480, subd. (a)(2).)		
11	10. Respondent has subjected her application for a Pharmacy Technician Registration to		
12	denial in that she committed acts of fraud by copying patient's credit card information, printing it		
13	out, and using it to make fraudulent purchases. (Bus. & Prof. Code, § 480, subd. (a)(2).) The		
14	circumstances are set forth in paragraphs 8 and 9, above.		
15 16	THIRD CAUSE FOR DENIAL OF APPLICATION  (Committed Acts which if Done by Licensee Would be Cause for Discipline)  (Bus. & Prof. Code, § 480, subd. (a)(3).)		
17	11. Respondent has subjected her application for a Pharmacy Technician Registration to		
18	denial in that she committed acts, which if done by a Pharmacy Technician, would constitute		
19	grounds for discipline. (Bus. & Prof. Code, § 480, subd. (a)(3).) The circumstances are set forth		
20	in paragraphs 8 and 9, above.		
21	<u>PRAYER</u>		
22	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
23	and that following the hearing, the Board of Pharmacy issue a decision:		
24	1. Denying the application of Sonia L. Perez, also known as Sonia Pearman for a		
25	Pharmacy Technician Registration;		
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1	2. Taking such other and fur	ther action as deemed necessary and proper
2	DATED: 4/20/16	ther action as deemed necessary and proper
.3		VIRGINIA HEROLD Executive Officer Board of Pharmacy
5		Department of Consumer Affairs State of California Complainant
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