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

12 In the Matter of the Statement of Issues
13 Against:

Case No. 6044

14 **ADARSH KONDA**

STATEMENT OF ISSUES

15 **Applicant for Intern Pharmacist License**

16 Respondent.

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18 Complainant alleges:

19 PARTIES

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

22 2. On or about September 14, 2016, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for an Application for Registration as an Intern Pharmacist from
24 Adarsh Konda (Respondent). On or about August 16, 2016, Adarsh Konda certified under
25 penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 Application. The Board denied the application on or about January 6, 2017.

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1 “(3) Done any act which if done by a licentiate of the business or profession in question,
2 would be grounds for suspension or revocation of license.

3 “The board may deny a license pursuant to this subdivision only if the crime or act is
4 substantially related to the qualifications, functions, or duties of the . . . [license].”

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

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

12 CAUSE FOR DENIAL OF APPLICATION

13 (Conviction of Substantially Related Crimes(s))

14 8. Respondent's application is subject to denial under section(s) of the Code: 480(a)(1);
15 480(a)(3) by reference to 4301(1); and/or 4300(c) by reference to 4301(1) and California Code of
16 Regulations, title 16, section 1770, for conviction of a substantially related crime, in that on or
17 about November 6, 2013, in the criminal case *People of the State of California v. Adarsh Konda*,
18 Case No. 1430527 in Santa Barbara County Superior Court, Respondent was convicted by plea of
19 nolo contendere of violating Vehicle Code section 23103.5 - Wet and Reckless, a misdemeanor.
20 The conviction was entered as follows:

21 9. On or about February 19, 2013, a car driven by Respondent was involved in a minor
22 traffic collision at an intersection of the campus of the University of California Santa Barbara.
23 Witnesses identified Respondent as the driver involved in the accident and reported that prior to
24 the accident he was observed driving erratically and crossing over into the on-coming lane.
25 Respondent rear ended a vehicle stopped at a red light. The responding officer from the
26 University of California Police Department observed that Respondent had difficulty determining
27 what documents to give to the officer and seemed confused. The officer noticed Respondent's
28 speech was slow and slurred, he swayed while standing, and his eyes were red and watery. The

1 officer did not detect any odor of alcohol emitting from Respondent's breath or person. The
2 Officer conducted a Horizontal Gaze Nystagmus test and noted that Respondent had difficulty
3 following directions to follow the pen with his eyes. Respondent's pupils were constricted and
4 non reactive to the light. Respondent's tongue was yellow with a brown spot. Respondent
5 admitted to smoking marijuana the day before and having taken Benadryl that morning.
6 Respondent was unable to satisfactorily perform the field sobriety tests. His movements were
7 slow, and he would stare off, and seemed dazed and confused. Based on the officer's
8 observations, statements from witnesses, and Respondent's symptoms of possible intoxication, he
9 placed Respondent under arrest for driving under the influence. Respondent consented to a
10 chemical breath test which indicated no presence of alcohol in his system. He was then
11 transported to the Goleta Valley Cottage Hospital where he submitted to a chemical blood test.
12 While at the hospital and in the patrol vehicle, Respondent fell asleep several times. He was later
13 booked at the Santa Barbara County Jail on charges of violating misdemeanor Vehicle Code
14 section 23152(a) – Driving Under the Influence of Drugs/Alcohol. The toxicology screening
15 results from Respondent's blood sample indicated a presence of benzodiazepines, cocaine and
16 marijuana in his system at the time of his arrest. The Santa Barbara County DA's office filed a
17 misdemeanor complaint charging Respondent with the following violations: 1) Misdemeanor
18 Vehicle Code section 23152(a) - Driving Under the Influence of a Drug; and 2) Misdemeanor
19 Health and Safety Code section 11550(a) – Under the Influence of a Controlled Substance
20 (Cocaine). The complaint was later amended to add Count 3, misdemeanor Vehicle Code section
21 23103.5 – Wet and Reckless Driving. Respondent pled guilty to and was convicted of violating
22 Count 3. The Court dismissed counts 1 and 2. Respondent was granted formal probation for a
23 period of three years with terms and conditions, not limited to: Serve 1 day in Santa Barbara
24 county jail; Pay fines/restitution; complete a 12 hour drug counseling program, and submit to
25 testing if requested. Respondent paid his restitution in full and completed a 12-hour drug and
26 alcohol counseling program. Respondent's probation was modified from formal probation to
27 summary (unsupervised) probation.

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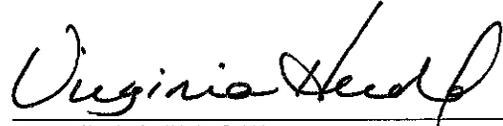
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PRAYER

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 Adarsh Konda for an Intern Pharmacist registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: 6/30/17



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

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