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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
12 Against:

Case No. 6194

13 **MARLISHA ADREANNA DILLON**

STATEMENT OF ISSUES

14 **Pharmacy Technician Applicant**

15 Respondent.

16
17 Virginia Herold (“Complainant”) alleges:

18 **PARTIES**

- 19 1. Complainant brings this Statement of Issues solely in her official capacity as the
20 Executive Officer of the Board of Pharmacy (“Board”), Department of Consumer Affairs.
21 2. On or about December 21, 2016, the Board received an application for a pharmacy
22 technician license from Marlisha Adreanna Dillon (“Respondent”). On or about
23 December 12, 2016, Respondent certified under penalty of perjury to the truthfulness of all
24 statements, answers, and representations in the application. The Board denied the application on
25 April 28, 2017.

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JURISDICTION

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2 3. Pursuant to Business and Professions Code (“Code”) section 485, subdivision (b), on
3 or about April 28, 2017, Respondent’s application was denied and she was notified of the right to
4 a hearing to appeal the denial.

5 4. On or about June 26, 2017, the Board received Respondent’s request for a hearing to
6 appeal the denial of her application.

STATUTORY PROVISIONS

7
8 5. Code section 480 states, in pertinent part:

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

11 (1) Been convicted of a crime. A conviction within the meaning of this
12 section means a plea or verdict of guilty or a conviction following a plea of nolo
13 contendere. Any action that a board is permitted to take following the establishment
14 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.

15 ...

16 (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.

17 (B) The board may deny a license pursuant to this subdivision only if the
18 crime or act is substantially related to the qualifications, functions, or duties of the
business or profession for which application is made. . . .

19 6. Code section 4301 states, in pertinent part:

20 The board shall take action against any holder of a license who is guilty of
21 unprofessional conduct or whose license has been issued by mistake. Unprofessional
conduct shall include, but is not limited to, any of the following:

22 ...

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

26 ...

27 (i) The conviction of a crime substantially related to the qualifications,
28 functions, and duties of a licensee under this chapter. The record of conviction of a
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United

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

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(Conviction of a Crime)**

11 7. Respondent's application is subject to denial under Code section 480,
12 subdivision (a)(1), in that on or about November 20, 2014, in the criminal proceeding entitled
13 *People v. Marlisha Adreanna Dillon* (Stanislaus County Super. Ct., Case No. 1479977),
14 Respondent was convicted by the court on her plea of guilty to violating Vehicle Code
15 section 23152, subdivision (a) (driving under the influence of alcohol), a misdemeanor. The
16 imposition of Respondent's sentence was suspended and informal probation was granted for a
17 period of three (3) years. The circumstances are as follows: On or about September 21, 2014, a
18 Ceres Police Department ("CPD") officer conducted a traffic enforcement stop on a vehicle
19 Respondent was driving. Upon initial contact, the CPD officer observed objective signs that
20 Respondent was under the influence of alcoholic beverages in that she had bloodshot, watery
21 eyes, the strong odor of alcohol beverage emitting from her breath and person, she had slurred
22 speech, and was unsteady on her feet. Respondent admitted to drinking beer prior to operating the
23 vehicle. Respondent submitted to two (2) breath tests and her blood alcohol concentration results
24 were 0.21 and 0.20 percent.

25 **SECOND CAUSE FOR DENIAL OF APPLICATION**

26 **(Committed Acts which if Done by a Licentiate)**

27 8. Respondent's application is subject to denial pursuant to Code section 480,
28 subdivision (a)(3)(A), in that Respondent committed acts which if done by a licentiate of the

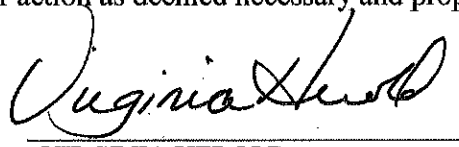
1 profession would constitute grounds for discipline for unprofessional conduct under Code
2 sections 4301, subdivision (h) (dangerous use of alcoholic beverages) and subdivision (l)
3 (conviction of a crime), as more particularly set forth above in paragraph 7.

4 **PRAYER**

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

- 7 1. Denying the application of Marlisha Adreanna Dillon for a Pharmacy Technician
8 Applicant;
9 2. Taking such other and further action as deemed necessary and proper.

10
11 DATED: 10/31/17



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

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