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

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

Case No. 6750

14 **JOSHUA KONADU-DARKO**

STATEMENT OF ISSUES

15 Intern Pharmacist License Applicant

16 Respondent.

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19 **PARTIES**

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

23 2. On or about October 30, 2018, the Board received an application for an Intern
24 Pharmacist License from Joshua Konadu-Darko (Respondent). On or about October 22, 2018,
25 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on May 24, 2019.

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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 **STATUTORY PROVISIONS**

6 4. Section 480 states, in pertinent part:

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

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

16

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

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

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

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

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

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

1 proceeding entitled *The People of the State of California v. Joshua Darko* (Super. Ct. L.A.
2 County, 2017, No. 6MN00470.) The court sentenced Respondent to serve one day in jail and
3 placed him on 24 months' probation, with terms and conditions - some of which he violated -
4 resulting in bench warrants issued by the court.

5 9. The circumstances surrounding the conviction are that on or about December 30,
6 2015, Respondent was observed by officers slumped forward in the driver seat of his vehicle and
7 he appeared to be asleep. After officers awoke Respondent, he submitted to a series of field
8 sobriety tests which he was unable to complete as performed. Additional investigation by the
9 officers also revealed that Respondent was driving without a valid California driver's license and
10 that a driver's license issued to him by the State of Delaware was suspended. Respondent was
11 subsequently placed under arrest for driving under the influence of an unknown alcoholic
12 intoxicant and deemed unable to safely operate a motor vehicle and transported to the station for
13 further processing during which he refused any chemical testing.

14 **SECOND CAUSE FOR DENIAL OF APPLICATION**

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

16 10. Respondent's application is subject to denial under section 480, subdivision (d), in
17 that on or about October 22, 2018, Respondent knowingly made a false statement of fact required
18 to be revealed in his application when he failed to disclose his conviction. Complainant refers to,
19 and by this reference incorporates, the allegations set forth in paragraph 8, as though set forth
20 fully.

21 **THIRD CAUSE FOR DENIAL OF APPLICATION**

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

23 11. Respondent's application is subject to denial under sections 4301, subdivision (p) and
24 480, subdivisions (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a
25 licentiate of the business and profession, would be grounds for suspension or revocation of his
26 license in that Respondent was convicted of a crime substantially related to the qualifications,
27 functions, or duties of an intern pharmacist which to a substantial degree evidence his present or
28 potential unfitness to perform the functions authorized by his license in a manner consistent with

1 the public health, safety, or welfare, in violation of sections 4301, subdivision (l), and 490, in
2 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,
3 and by this reference incorporates, the allegations set forth above in paragraph 8, as though set
4 forth fully.

5 **PRAYER**

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

- 8 1. Denying the application of Joshua Konadu-Darko for a Intern Pharmacist License;
9 and
10 2. Taking such other and further action as deemed necessary and proper.

11
12 DATED: September 26, 2019



13 ANNE SODERGREN
14 Interim Executive Officer
15 Board of Pharmacy
16 Department of Consumer Affairs
17 State of California
18 *Complainant*

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