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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 Against: Case No. 6970
13 **CHRISTINA LYNN WAGNER** **STATEMENT OF ISSUES**
14 **Pharmacy Technician License Applicant**
15 Respondent.

16
17 **PARTIES**

18 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
20 2. On or about June 6, 2019, the Board of Pharmacy, Department of Consumer Affairs
21 received an application for a Pharmacy Technician License from Christina Lynn Wagner
22 (Respondent). On or about June 3, 2019, Respondent certified under penalty of perjury to the
23 truthfulness of all statements, answers, and representations in the application. The Board denied
24 the application on April 15, 2020. On or about May 12, 2020, Respondent filed an appeal.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code (Code) unless otherwise indicated.

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3 . . .

4 “(l) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. . . .”

6 **REGULATORY PROVISIONS**

7 7. California Code of Regulations, title 16, section 1769, states:

8 “...

9 “(b) When considering the denial of a facility or personal license under Section 480 of the
10 Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his
11 present eligibility for licensing or registration, will consider the following criteria:

12 “(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for
13 denial.

14 “(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
15 consideration as grounds for denial under Section 480 of the Business and Professions Code.

16 “(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in
17 subdivision (1) or (2).

18 “(4) Whether the applicant has complied with any terms of parole, probation, restitution or
19 any other sanctions lawfully imposed against the applicant.

20 “(5) Evidence, if any, of rehabilitation submitted by the applicant.”

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

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

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Substantially Related Crime(s))**

3 9. Respondent has subjected her Pharmacy Technician Application to denial under
4 Code section 480, subdivisions (a)(1) and/or Code section 480, subdivision (a)(3)(A), by
5 reference to Code section 4301, subdivision (1), for conviction of substantially related crime(s),
6 in that, on or about January 27, 2020, in a criminal matter titled *The People of the State of*
7 *California v. Christina Lynn Wagner*, Lake County Superior Court Case No. CR955698,
8 Respondent pled no contest to, and was convicted of, driving with a blood alcohol concentration
9 ("BAC") of 0.08% or higher (Veh. Code, § 23152, subd. (b)), a misdemeanor, with special
10 allegation of BAC of 0.15% (Veh. Code, §23578). Imposition of sentence was suspended and
11 Respondent was placed on summary probation for a period of three (3) years under terms and
12 conditions to include 5 days in jail, 20 hours of community service, a three-month first offender
13 DUI program, and \$1,843.00 in fines and fees. The offense occurred on or about September 2,
14 2019, when an officer Responded to a report of a collision resulting in property damage where
15 the driver had evaded the scene of the accident. The vehicle, later identified as being driven by
16 the Respondent, had collided with a fence, damaging approximately 20 feet a wooden portion of
17 the fence and five feet of the chain link portion. The driver's side airbag had deployed and the
18 driver's side seatbelt was locked in an extended position. Later that day, officers found
19 Respondent at her residence wearing the same clothes, as described to them at the scene of the
20 collision, and pretending to be asleep. Respondent falsely told the officers that she had not been
21 involved in the accident, that she had been home before the accident occurred, and that she had
22 been picked up from the bar where she had been drinking by her father. Officers reported that
23 Respondent displayed objective signs of intoxication and admitted to consuming alcoholic
24 beverage. She was arrested for DUI and running from the scene of the accident. Blood samples
25 taken thereafter showed a BAC of .201%.

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Dangerous Use of Alcohol)

10. Respondent has subjected her Pharmacy Technician Application to denial under Code section 480, subdivision (a)(3)(A), by reference to Code section 4301, subdivision (h), in that, as detailed in paragraph 9 above, Respondent has made dangerous use of alcohol. .

THIRD CAUSE FOR DENIAL OF APPLICATION

(Dishonesty)

11. Respondent has subjected her Pharmacy Technician Application to denial under Code sections 480, subdivisions (a)(2) and/or (a)(3)(A), by reference to Code section 4301, subdivision (f), in that she committed dishonesty in two instances. First, Respondent failed to disclose her criminal conviction in her application by answering “no” to the question of whether she had ever been convicted of a felony or misdemeanor. Second, as described in paragraph 9, above, she lied to the police officer(s) about her whereabouts and involvement in the accident.

FOURTH CAUSE FOR DENIAL OF APPLICATION

(Unprofessional Conduct)

12. Respondent has subjected her Pharmacy Technician Application to denial under Code section 4300, subdivisions (c), and/or Code section 480, subdivision (a)(3)(A), by reference to Code section 4301, in that the conduct described above in paragraphs 9 through 11 constitutes unprofessional conduct unbecoming of the profession of pharmacy.

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 Christina Lynn Wagner (Respondent) for a Pharmacy Technician License;

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2. Taking such other and further action as deemed necessary and proper.

DATED: June 22, 2020



ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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