1	ROB BONTA	
2	Attorney General of California ARMANDO ZAMBRANO Supervising Deputy Attorney General THOMAS L. RINALDI Supervising Deputy Attorney General State Bar No. 206911	
3		
4		
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	
6	Telephone: (213) 269-6310 Facsimile: (916) 731-2126	
7	E-mail: Thomas.Rinaldi@doj.ca.gov Attorneys for Complainant	
8	BEFORE THE	
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10		
11	In the Matter of the Statement of Issues Against:	Case No. 8014
12	Agamst.	
13	JAMES ANDREW FOSSETT	STATEMENT OF ISSUES
14	Pharmacy Technician Registration Applicant	
15	Respondent.	
16		
17		
18		
19		
20	<u>PARTIES</u>	
21	1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official	
22	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs	
23	(Board).	
24	2. On or about October 4, 2024, the Board received an application for a Pharmacy	
25	Technician Registration from James Andrew Fossett (Respondent). On or about September 24,	
26	2024, Respondent certified under penalty of perjury to the truthfulness of all statements, answers	
27	and representations in the application. The Board denied the application on March 17, 2025.	
28		
		1

JURISDICTION 1 3. This Statement of Issues is brought before the Board under the authority of the 2 following laws. All section references are to the Business and Professions Code unless otherwise 3 indicated. 4 **STATUTORY PROVISIONS** 5 Section 480 states: 4. 6 7 (a) Notwithstanding any other provision of this code, a board may deny a license regulated by this code on the grounds that the applicant has been convicted of 8 a crime or has been subject to formal discipline only if either of the following conditions are met: 9 10 (2) The applicant has been subjected to formal discipline by a licensing board in 11 or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before 12 the board for which the present application is made and that is substantially related to the qualifications, functions, or duties of the business or profession for which the 13 present application is made. However, prior disciplinary action by a licensing board within the preceding seven years shall not be the basis for denial of a license if the 14 basis for that disciplinary action was a conviction that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a 15 comparable dismissal or expungement. Formal discipline that occurred earlier than seven years preceding the date of application may be grounds for denial of a license 16 only if the formal discipline was for conduct that, if committed in this state by a physician and surgeon licensed pursuant to Chapter 5 (commencing with Section 17 2000) of Division 2, would have constituted an act of sexual abuse, misconduct, or relations with a patient pursuant to Section 726 or sexual exploitation as defined in 18 subdivision (a) of Section 729. **REGULATORY PROVISIONS** 19 5. California Code of Regulations, title 16, section 1770, states: 20 21 (a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the 22 Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the 23 practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a 24 manner consistent with the public health, safety, or welfare. 25 (b) In making the substantial relationship determination required under 26 subdivision (a) for a crime, the board will consider the following criteria:

(2) The number of years elapsed since the date of the offense; and

(1) The nature and gravity of the offense;

27

28

- (c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:
- (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction,
- (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.
- (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.
- (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
 - (5) Involve a conviction for driving under the influence of drugs or alcohol.

CAUSE FOR DENIAL OF APPLICATION

(Discipline by the Board of Vocational Nursing and Psychiatric Technicians)

Respondent's application is subject to denial under section 480, subdivision (a)(2), in conjunction with California Code of Regulations, title 16, section 1770, in that he was disciplined by the State of California, Board of Vocational Nursing and Psychiatric Technicians as follows: On or about April 22, 2021, in the formal disciplinary administrative matter entitled "In the Matter of the Accusation Against: James Andrew Fossett," Case Number 4302020001202, the Board of Vocational Nursing and Psychiatric Technicians issued a Decision, in Case Number 4302020001202 wherein Respondent's vocational nurse license No. 285422 was surrendered effective May 22, 2021. The circumstances are that on or around December 12, 2019, Respondent engaged in unprofessional conduct when he obtained, possessed and was under the influence of controlled substances, namely methamphetamine and amphetamine, while on duty as a licensed vocational nurse. Complainant incorporates herein the Board of Vocational Nursing and Psychiatric Technician's Decision in Case Number 4302020001202, in full as if set forth fully.

PRAYER 1 2 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: 3 Denying the application of James Andrew Fossett for a Pharmacy Technician 1. 4 Registration; 5 2. Taking such other and further action as deemed necessary and proper. 6 Sodergren, Digitally signed by Sodergren, Anne@DCA Date: 2025.08.14 19:00:52 -07'00' 7 DATED: 8/14/2025 8 ANNE SODERGREN 9 **Executive Officer** Board of Pharmacy 10 Department of Consumer Affairs State of California 11 Complainant 12 LA2025601994 13 67786136.docx 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28