

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

**JASON MICHAEL VEST**  
2618 Flint Way #106  
San Bernardino, CA 92408

Intern Pharmacist Registration Applicant

Respondent.

Case No. 3099

**DECISION AND ORDER**

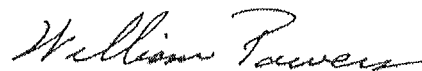
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on March 5, 2008.

It is so ORDERED on March 5, 2008.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



WILLIAM POWERS  
Board President

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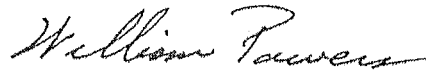
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WILLIAM POWERS  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS, State Bar No. 157464  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2578  
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
11

12 In the Matter of the Statement of Issues Against:

13 **JASON VEST**  
2618 Flint Way #106  
14 San Bernardino, CA 92408

15 Intern Pharmacist Registration Applicant

16 Respondent.

Case No.3099

OAH No. L-2007100945

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 In the interest of a prompt and speedy settlement of this matter, consistent with the  
19 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer  
20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
21 which will be submitted to the Board for approval and adoption as the final disposition of the  
22 Statement of Issues.

23 **PARTIES**

24 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
25 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
26 by Edmund G. Brown Jr., Attorney General of the State of California, by Desiree Tulleners,  
27 Deputy Attorney General.

28 ///





1 Respondent shall report any of the following occurrences to the Board, in writing,  
2 within 72 hours of such occurrence;

- 3 • an arrest or issuance of a criminal complaint for violation of any provision of the  
4 Pharmacy Law, state and federal food and drug laws, or state and federal  
5 controlled substances laws
- 6 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to  
7 any criminal complaint, information or indictment
- 8 • a conviction of any crime
- 9 • discipline, citation, or other administrative action filed by any state and federal  
10 agency which involves Respondent's license or which is related to the practice of  
11 pharmacy or the manufacturing, obtaining, handling or distribution or billing or  
12 charging for any drug, device or controlled substance.

13 2. **Reporting to the Board.** Respondent shall report to the Board quarterly.  
14 The report shall be made either in person or in writing, as directed. Respondent shall state under  
15 penalty of perjury whether there has been compliance with all the terms and conditions of  
16 probation. If the final probation report is **not** made as directed, probation shall be extended  
17 automatically until such time as the final report is made and accepted by the Board.

18 3. **Interview with the Board.** Upon receipt of reasonable notice,  
19 Respondent shall appear in person for interviews with the Board upon request at various intervals  
20 at a location to be determined by the Board. Failure to appear for a scheduled interview without  
21 prior notification to Board staff shall be considered a violation of probation.

22 4. **Cooperation with Board Staff.** Respondent shall cooperate with the  
23 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
24 compliance with the terms and conditions of his probation. Failure to comply shall be considered  
25 a violation of probation.

26 5. **Notice to Employers.** Respondent shall notify all present and prospective  
27 employers of the decision in Case No. 3099 and the terms, conditions and restrictions imposed  
28 on Respondent by the decision. Within 30 days of the effective date of this decision, and within

1 15 days of Respondent undertaking new employment, Respondent shall cause his direct  
2 supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging  
3 the employer has read the decision in Case No. 3099.

4           If Respondent works for or is employed by or through a pharmacy employment  
5 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
6 every pharmacy of the terms and conditions of the decision in Case No. 3099 in advance of the  
7 Respondent commencing work at each pharmacy.

8           “Employment” within the meaning of this provision shall include any full-time, part-time,  
9 temporary, relief or pharmacy management service as a pharmacist, whether the Respondent is  
10 considered an employee or independent contractor.

11           **6. Probation Monitoring Costs.** Respondent shall pay the costs associated  
12 with probation monitoring as determined by the Board each and every year of probation. Such  
13 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs  
14 shall be considered a violation of probation.

15           **7. Status of Registration.** Respondent shall, at all times while on probation,  
16 maintain an active current registration with the Board, including any period during which  
17 suspension or probation is tolled.

18           If Respondent’s registration expires or is canceled by operation of law or  
19 otherwise, upon renewal or reapplication, Respondent’s registration shall be subject to all terms  
20 and conditions of this probation not previously satisfied.

21           **8. Registration Surrender while on Probation/Suspension.** Following the  
22 effective date of this decision, should Respondent cease practice due to retirement or health, or  
23 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his  
24 registration to the Board for surrender. The Board shall have the discretion whether to grant the  
25 request for surrender or take any other action it deems appropriate and reasonable. Upon formal  
26 acceptance of the surrender of the registration, Registration will no longer be subject to the terms  
27 and conditions of probation.

28 ///

1           Upon acceptance of the surrender, Respondent shall relinquish his pocket  
2 registration to the Board within 10 days of notification by the Board that the surrender is  
3 accepted. Respondent may not reapply for any license from the Board for three years from the  
4 effective date of the surrender. Respondent shall meet all requirements applicable to the  
5 registration sought as of the date the application for that registration is submitted to the Board.

6           **9. Notification of Employment/Mailing Address Change.** Respondent  
7 shall notify the Board in writing within 10 days of any change of employment. Said notification  
8 shall include the reasons for leaving and/or the address of the new employer, supervisor or owner  
9 and work schedule if known. Respondent shall notify the Board in writing within 10 days of a  
10 change in name, mailing address or phone number.

11           **10. Notification of Pharmacy School Attendance/Graduation.** Respondent  
12 must notify and advise the Board prior to the time he leaves, ceases to be enrolled in, and/or  
13 graduates from pharmacy school.

14           **11. Tolling of Probation.** Should Respondent, regardless of residency, for  
15 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in  
16 California, Respondent must notify the Board in writing within 10 days of cessation of the  
17 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time shall  
18 not apply to the reduction of the probation period. It is a violation of probation for Respondent's  
19 probation to remain tolled pursuant to the provisions of this condition for a period exceeding  
20 three years.

21           "Cessation of practice" means any period of time exceeding 30 days in which Respondent  
22 is not engaged in the practice of pharmacy as defined in Section 4052 of the Business and  
23 Professions Code.

24           **12. Violation of Probation.** If Respondent violates probation in any respect,  
25 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation  
26 and carry out the disciplinary order which was stayed. If a petition to revoke probation or an  
27 accusation is filed against Respondent during probation, the Board shall have continuing  
28 jurisdiction and the period of probation shall be extended, until the petition to revoke probation



1 or accusation is heard and decided.

2 If Respondent has not complied with any term or condition of probation, the  
3 Board shall have continuing jurisdiction over Respondent, and probation shall automatically be  
4 extended until all terms and conditions have been satisfied or the Board has taken other action as  
5 deemed appropriate to treat the failure to comply as a violation of probation, to terminate  
6 probation, and to impose the penalty which was stayed.

7 13. **Completion of Probation.** Upon successful completion of probation,  
8 Respondent's registration will be fully restored.

9 14. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**  
10 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
11 Recovery Program for evaluation and shall successfully participate in and complete the treatment  
12 contract and any subsequent addendums as recommended and provided by the PRP and as  
13 approved by the Board. The costs for PRP participation shall be borne by the Respondent.

14 If Respondent is currently enrolled in the PRP, said participation is now  
15 mandatory and is no longer considered a self-referral under Business and Professions Code  
16 section 4363, as of the effective date of this decision. Respondent shall successfully participate  
17 in and complete his current contract and any subsequent addendums with the PRP. Probation  
18 shall be automatically extended until Respondent successfully completes his treatment contract.  
19 Any person terminated from the program shall be automatically suspended upon notice by the  
20 Board. Respondent may not resume the practice of pharmacy until notified by the Board in  
21 writing. The Board shall retain jurisdiction to institute action to terminate probation for any  
22 violation of this term.

23 15. **Random Drug Screening.** Respondent, at his own expense, shall  
24 participate in random testing, including but not limited to biological fluid testing (urine, blood),  
25 breathalyzer, hair follicle testing, or a drug screening program approved by the Board. The  
26 length of time shall be for the entire probation period and the frequency of testing will be  
27 determined by the Board. At all times Respondent shall fully cooperate with the Board, and  
28 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,

1 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as  
2 directed shall constitute a violation of probation. Any confirmed positive drug test shall result in  
3 the immediate suspension of practice by Respondent. Respondent may not resume the practice  
4 of pharmacy until notified by the Board in writing.

5           16.    **Abstain from Drugs and Alcohol Use.** Respondent shall completely  
6 abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their  
7 associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner  
8 as part of a documented medical treatment. Upon request of the Board, Respondent shall provide  
9 documentation from the licensed practitioner that the prescription was legitimately issued and is  
10 a necessary part of the treatment of the Respondent.

11           17.    Should the Board issue a license to practice as a Pharmacist or issue any  
12 other registration or license of any kind to Respondent during the period of probation, said  
13 registration or license shall be immediately revoked. The revocation of such registration or  
14 license shall be stayed, and the probation imposed by this agreement will continue. Respondent  
15 shall be subject to the same terms and conditions imposed by this disciplinary order.  
16 Notwithstanding this provision, the Board reserves the right to deny Respondent's application for  
17 the pharmacist licensure exam. If the Board issues a license to practice as a pharmacist to  
18 Respondent, the following additional terms and conditions shall be included as a part of this  
19 disciplinary order:

20           18.    **Continuing Education:** Respondent shall provide evidence of efforts to  
21 maintain skill and knowledge as a pharmacist as directed by the Board.

22           19.    **No Preceptorships, Supervision of Interns, Being Pharmacist-in**  
23 **Charge (PIC) or serving as a consultant.** Respondent shall not supervise any intern pharmacist  
24 or perform any of the duties of a preceptor, nor shall Respondent be the pharmacist-in-charge of  
25 any entity licensed by the Board unless otherwise specified in this order.

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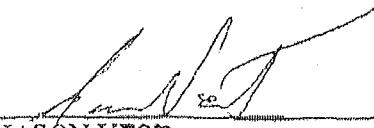
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Intern Pharmacist Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 1/31/08


  
\_\_\_\_\_  
JASON VEST  
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 1/31/08

EDMUND G. BROWN JR., Attorney General  
of the State of California

  
\_\_\_\_\_  
DESIREE TULLENERS  
Deputy Attorney General

Attorneys for Complainant

# JASON VEST

2618 FLINT WAY #106 SAN BERNARDINO, CA 92408  
CELL: (909) 800-1854

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## OBJECTIVE:

To work in a fast-paced clinical pharmacy environment to enhance the practical aspect of pharmacy education while attending the LLU Pharm D program (class of 2011).

## EDUCATION:

Loma Linda University, Loma Linda, CA 2006-Present  
*Doctorate of Pharmacy*

- Courses include: Formulary Management, Pharmaceutics, Pharmaceutical Care

Walla Walla College, College Place, WA 2000  
*B.A. Business Administration*

- Graduated 3.43 Grade Point Average
- 3.8 GPA in Science related classes

## PROFESSIONAL AFFILIATIONS:

Apha Officer - *Spin Coordinator* - American Pharmacists Association 2006-2007  
NCPA Officer - *President Elect* - National Community Pharmacists Association 2007-2008  
PLS - Psi Lambda Sigma Gamma Beta Chapter (Leadership Achievement Award) 2007  
ASHP - American Society of Health-System Pharmacists

## AWARDS / CERTIFICATIONS:

BLS CPR & AED / First Aid, American Heart Association Exp 9/08  
Pharmacy-Based Immunization Delivery, ACPE 2006  
Recognition of Outstanding Performance, Bryman College 2006  
Customer Service Training Seminar, Corinthian Colleges, Inc. 2005, 2006

## VOLUNTEER / RESEARCH EXPERIENCE:

NCPA/ Disaster Preparedness Simulation, Temecula, CA 7/2007  
• Assist with time flow analysis for Anthrax contamination disaster response  
AMCP/FMCP National P&T Competition 2007  
• Analyzed Byetta and developed presentation for formulary consideration to a P&T Committee  
St. Mary's Hospital, Walla Walla, WA 1998-2000  
• Emergency room volunteer  
Students In Free Enterprise, Walla Walla, WA 1996-2000  
• Develop and implement community service projects for neighborhood improvement

## EMPLOYMENT EXPERIENCE:

SG Consulting, San Bernardino, CA 7/07-Present  
*Founder/Owner*

- Financial consulting for individual clients;
- Train clients business strategy development and implementation;
- Develop databases and setup accounting software for clients;
- Web page design and domain setup;
- Advise clients on business license regulations for various cities throughout southern California;

## JASON VEST

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**NDAIN, Inc., Corora, CA**

3/06-12/07

*Founder/Owner*

- Create and implement marketing strategies and advertizing campaigns for small businesses;

**Everest College, formerly Bryman College, San Bernardino, CA**

5/04-Present

*Senior Career Services Representative*

- Received Parthenon recognition for highest placement percentage of the company 2 years running;
- Increased placement rate by 27.2% from 2004 to 2005;
- Developed employer relationships to increase job opportunities for graduates;
- Implemented policies and procedures to increase efficiency and facilitate greater student satisfaction;
- Developed Access database to track market trends, employer profiles, student profiles, track employment history, and assist matching personalities of employers with employees;
- Assist grads in job seeking efforts by conducting workshops in resume and portfolio development, career goal assessment, interviewing techniques, and personal appearance;
- Researched and analyzed employment trends of the business community through surveys and generated reports to identify market changes;
- Coordinate employer field trips and job fairs;
- Implement and maintain policies, objectives and short- and long-range department goals;

*Senior Externship Coordinator*

- Coordinate the externship referral program: Interview applicants to determine interests, skills, strengths and weaknesses; advise on externship choices, refer for additional training and experience when indicated;
- Supervise externship training in compliance with Accreditation, Education Department, Finance Department, and Company policies and regulations;
- Locate and acquire new externship sites and develop working relationships with employers.
- Visit sites and obtain contractual agreements for each externship site;
- Supervise extern staff to ensure regulatory compliance;
- Secure all evaluations from sites and externs to incorporate into student files and assist with career planning. Adhere to all regulatory compliance requirements and rules of externship. Track externs' attendance and ensure that all extern assignments are completed as determined by the program and set by Company policy and regulatory requirements;

**Fidelity National Title, San Bernardino, CA**

4/03-4/04

*Title Officer/Foreclosure Specialist:*

- Search, Examine, Write and Review Trustee Sale Guarantees; Answer customer questions regarding Trustee Sale Guarantees; Abstract documents for legal compliance and accuracy

**Morgan Framing, Inc. Rialto, CA**

4/01-2/03

*Accounts Manager:*

- Maintained Accounts Payable, Receivable, and legal contracts;
- Developed marketing plan to maintain business relationships with builders including Greystone, Ryland, Western Pacific, Van Daele, California Pacific, Avalon, etc.;
- Controlled \$2.5 million contract managing budgets, billing and customer service;
- Wrote and implemented procedures for A/P, A/R and multiple job tasks;
- Trained and supervised office personnel including one A/R clerk, two office assistants and two general office managers;
- Researched, purchased, installed and maintained entire Windows 2000 network including iDSL and firewall;
- Strong knowledge of QuickBooks, Excel, Access, MS Word, Master Builder;

## JASON VEST

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Dairy Queen, Spokane, WA

1994-2001

*Supervisor:*

- Developed training course for new recruits;
- Implemented procedural changes that increased speed and consistency;
- Responsible for filling out deposits, balance registers, customer service, resolving employee and customer conflicts;

### INTERESTS:

Real Estate, state politics and debate, Pre-Professional Club, involvement in Students In Free Enterprise projects, medical volunteer, Basketball Coach in 1997 and 1999

October 26, 2007

Desiree A. Tulleners  
Deputy Attorney General  
Office of the Attorney General  
300 S. Spring Street, Ste 1702  
Los Angeles, CA 90013

Re: Board of Pharmacy Case No. 3099

To Whom It May Concern:

During my years of serving my community, I have learned that people cannot be accurately judged by first impressions or by a simple resume. It is my hope that you are able to look beyond what is on paper and evaluate me for the person that I am. I am passionate about pharmacy and it is my vision to become one of the premier pharmacists in my specialty. I am not one to sit idly by, but rather a man of action and perseverance.

In the past, I have made a few poor decisions. People can choose to dwell on the negative outcomes from those decisions or can learn and become a better person because of them. As a direct result of the decisions I have made throughout the past, I have:

1. Learned how to handle extreme personal loss more effectively; specifically in the context of dealing with the death of a close loved one
2. Assisted in changing more than 1,750 lives within the past three years of my career
3. Made numerous friends and contacts through dedicated service to people on an individual level that has had a positive impact on our community
4. Gained additional experience to relate to others and be able to assist them more effectively through personal experience and better educate them on how to handle their future career paths and personal lives
5. Become a stronger leader as evidenced by achieving numerous positions including NCPA - President Elect, APhA SPIN Coordinator, Captain of intramural basketball teams, and Advisory Board participant for Corinthian Colleges, Inc.
6. Attended AA meetings and participated in volunteer work for Red Cross to assist the fire victims of my community and involvement in numerous outreach programs including smoking cessation, immunization fairs, health screens, diabetes awareness programs, and breast cancer awareness fundraisers.

I believe that the Board of Pharmacy's highest priority is to serve the public. They are responsible for protecting the health, welfare and safety of the public while advocating the highest quality of pharmaceutical care. To me, pharmaceutical care involves more than merely delivering correct medications for an indicated illness and minimizing adverse effects; it requires whole person care that encompasses all aspects of a person's life, not just the physical health.

We must lead by example, and sadly I had failed to meet the expectations of myself to live a healthful life in part by abstaining from all forms alcohol. Some steps I have taken to ensure that I will meet my personal principles of living include:

1. I recognize that alcohol is a dangerous drug and must be respected as such

October 26, 2007

Re: Jason Vest

To Whom It May Concern:

This letter is to serve as a character and professional reference for Jason Vest. Jason was a career services representative while I attended Everest College, formerly Bryman College in San Bernardino, California.

After I had completed the Medical Administrative Assisting program, I was in dire need of a job. The job market was tough, but Jason encouraged me through the rough times and helped me get my foot in the door and obtain employment at San Bernardino Assisted Retirement Living Center. It was his persistence and relentlessness that I am truly grateful for because even though I already had a job, he continued to work on my behalf to help me achieve a higher level in my career.

Eventually, I was able to become a member of the Career Services team. Working with Jason over the last year, I can attest to his character and work ethic. He is highly professional, diligent, customer friendly, insightful, highly intelligent, compassionate and easy to work with. He always brings out the positive side in other coworkers and students and will bend over backwards to help them achieve their goals.

Please call me at (909) 543-7325, should you wish to discuss this reference with me personally.

Sincerely,

A handwritten signature in cursive script that reads "De'Borah Jackson". The signature is written in black ink and is positioned above a horizontal line that extends to the right.

De'Borah Jackson  
Everest College, 2005 Alumna



**Exhibit A**  
**Statement of Issues No. 3099**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS, State Bar No. 157464  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2578  
6 Facsimile: (213) 897-2804  
7 Attorneys for Complainant

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Case No. 3099

12 **JASON MICHAEL VEST**  
2618 Flint Way #106  
13 San Bernardino, CA 92408

**STATEMENT OF ISSUES**

14 Intern Pharmacist Registration Applicant

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about October 16, 2006, the Board received an Intern Pharmacist  
23 Registration Application from Jason Michael Vest (Respondent). On or about August 2, 2006,  
24 Jason Michael Vest certified under penalty of perjury as to the truthfulness of all statements,  
25 answers, and representations in the application. The Board denied the application on  
26 May 18, 2007.

27 ///

28 ///

1 JURISDICTION

2 3. This Statement of Issues is brought before the Board, under the authority  
3 of the following laws. All Section references are to the Business and Professions Code, unless  
4 otherwise indicated.

5 4. Section 480 states, in pertinent part:

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

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

14 . . . .

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

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

20 5. Section 490 states:

21 "A board may suspend or revoke a license on the ground that the licensee has  
22 been convicted of a crime, if the crime is substantially related to the qualifications,  
23 functions, or duties of the business or profession for which the license was issued. A  
24 conviction within the meaning of this section means a plea or verdict of guilty or a  
25 conviction following a plea of nolo contendere. Any action which a board is permitted to  
take following the establishment 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 of the Penal Code."

26 6. Section 4301 states, in pertinent part:

27 "The board shall take action against any holder of a license who is guilty of  
28 unprofessional conduct or whose license has been procured by fraud or misrepresentation or

1 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
2 following:

3 . . . .

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

9 . . . .

10 (k) The conviction of more than one misdemeanor or any felony involving the use,  
11 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any  
12 combination of those substances. . . .”

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

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

20 **FIRST CAUSE FOR DENIAL OF APPLICATION**

21 *(Convictions of Substantially Related Crimes)*

22 8. Respondent's application is subject to denial under Section 480,  
23 subdivision (a)(1), as defined in California Code of Regulations, title 16, section 1770, in that  
24 Respondent committed substantially related crimes as follows:

25 a. On or about March 5, 2007, in a criminal proceeding entitled *The People*  
26 *of the State of California v. Jason Michael Vest*, in San Bernardino County Superior Court, San  
27 Bernardino District, Case No. TSB122559, Respondent was convicted by his plea of *guilty* to a  
28 violation of Vehicle Code section 23152(b) [driving with a greater than 0.08% blood alcohol

1 level (BAC)], a misdemeanor.

2 The circumstances of the conviction are that on or about November 23, 2006, San  
3 Bernardino County Sheriff's Department officers conducted a traffic stop on Respondent, and  
4 arrested Respondent after he failed field sobriety tests. Respondent's blood alcohol content  
5 measured 0.15%, almost twice the legal limit.

6 b. On or about October 25, 2004, in a criminal proceeding entitled *The*  
7 *People of the State of California v. Jason Michael Vest*, in Orange County Superior Court,  
8 Harbor Justice Center, Case No. 04HM08195MA, Respondent was convicted by his plea of  
9 *guilty* to a violation of Vehicle Code sections 23152(a) (driving under the influence of alcohol), a  
10 misdemeanor, and 23152(b) (driving with a greater than 0.08% blood alcohol content), a  
11 misdemeanor.

12 The circumstances of these convictions are that on or about September 25, 2004,  
13 California Highway Patrol officers conducted a traffic stop on Respondent. Respondent  
14 informed the officers that he was the "designated driver." The officers arrested Respondent after  
15 he failed field sobriety tests. Respondent's blood alcohol content measured 0.137%.

16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 ***(Conduct Warranting Suspension / Revocation of Licensure)***

18 9. Respondent's application is subject to denial under Section 480,  
19 subdivision (a)(3), for having committed acts or conduct, any one of which be independent  
20 grounds for suspension or revocation of licensure, as follows:

21 a. Violation of Section 490. On or about October 25, 2004, and on or about  
22 March 5, 2007, Respondent was convicted of substantially related crimes, as more fully  
23 described above in paragraphs 8(a)(b).

24 b. Violation of Section 4301, subdivision (k). On or about March 5, 2007,  
25 Respondent was convicted of more than one misdemeanor involving the use, consumption, or  
26 self-administration of alcoholic beverages, as more fully described above in paragraphs 8(a)(b).

27 c. Violation of Section 4301, subdivision (h). On or about July 23, 2006, and  
28 on or about September 25, 2004, Respondent drove a vehicle while being under the influence of

1 alcohol to the extent or in a manner as to be dangerous or injurious to oneself, or any other  
2 person, or to the public, as more fully described above in paragraphs 8(a)(b).

3 d. Violation of Section 4301. Respondent committed acts of unprofessional  
4 conduct as more fully described above in paragraphs 8(a)(b), and 9(a)(b)(c).

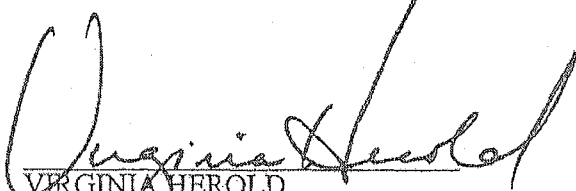
5 PRAYER

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

8 1. Denying the application of Jason Michael Vest for a Intern Pharmacist  
9 Registration Applicant; and

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

11 DATED: 10/16/07



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

Complainant

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