

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Statement of Issues
Against:

**PAUL DAVID LANGKAMP;
a.k.a., PAUL DAVID KAMP;
PAUL DAVIDLANG KAMP;
PAUL D. LANGKAMP**

Pharmacy Technician Registration Applicant

Respondent.

Case No. 4355

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February] 12, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 4355 against Paul David Langkamp, also known as Paul David Kamp, Paul Davidlang Kamp, and Paul D. Langkamp (Respondent), before the Board of Pharmacy (Board).

///
///

1 2. On or March 26, 2013, Cynthia Vuu, an employee of the Department of Justice,
2 served by Certified and First Class Mail a copy of the Statement of Issues No. 4355, Statement to
3 Respondent, Respondent / Applicant's Notice of Designation of Counsel, Respondent /
4 Applicant's Notice of Withdrawal of Request for Hearing, Request for Hearing, Request for
5 Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
6 address of record with the Board, which was and is:

7 **7123 De Palma Street, Downey, California 90241.**
8

9 A copy of Statement of Issues No. 4355 is attached as Exhibit A, and is incorporated herein
10 by reference.

11 3. Service of the Statement of Issues was effective as a matter of law under the
12 provisions of Government Code section 11505, subdivision (c).

13 4. A Notice of Hearing was served by mail at Respondent's address of record and it
14 informed him that an administrative hearing in this matter was scheduled for March 11, 2014.

15 5. Respondent failed to appear at the scheduled hearing of March 11, 2014, and
16 therefore waived his right to a hearing on the merits of Statement of Issues No. 4355.

17 6. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a
19 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation
20 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's
21 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

22 7. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the
24 agency may take action based upon the respondent's express admissions or upon other evidence
25 and affidavits may be used as evidence without any notice to respondent.

26 8. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on
2 file at the Board's offices regarding the allegations contained in Statement of Issues No. 4355,
3 finds that the charges and allegations in Statement of Issues No. 4355, are separately and
4 severally, found to be true and correct. (The Default Decision Evidence Packet is being
5 submitted concurrently to the Board with this Default Decision and Order and is attached hereto
6 for ease of reference)

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Paul David Langkamp, has
9 subjected his Pharmacy Technician Registration application to denial.

10 2. A copy of the Statement of Issues is attached.

11 3. The agency has jurisdiction to adjudicate this case by default.

12 4. The Board of Pharmacy is authorized to deny Respondent's application of a Pharmacy
13 Technician Registration based upon the following violations alleged in the Statement of Issues,
14 which are supported by the evidence contained in the Default Decision Evidence Packet in this
15 case.:

16 a. Respondent's application for a Pharmacy Technician Registration is subject to denial
17 pursuant to Code section 480, subdivision (a)(1), in that Respondent was convicted of crimes
18 substantially related to the qualifications, functions or duties of a registered pharmacy technician
19 which to a substantial degree evidence his present or potential unfitness to perform the functions
20 authorized by his registration in a manner consistent with the public health, safety, or welfare, as
21 follows:

22 i. On or about April 6, 2010, after pleading guilty, Respondent was convicted
23 of one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a)
24 [driving while driving privileges are suspended and revoked with knowledge] in the
25 criminal proceedings entitled *The People of the State of California v. Paul David Langkamp*
26 (Super. Ct. Orange County, 2010, No. 10WM03071). The Court sentenced Respondent to
27 serve 10 days in Orange County Jail and placed him on 3 years probation, with terms and
28 conditions. The circumstances surrounding the conviction are that on or about February 12,

1 2010, during a traffic stop by the Huntington Beach Police Department, Respondent was
2 contacted. Respondent told the officer his license was suspended. A records check
3 indicated that Respondent also had an outstanding warrant. Respondent was subsequently
4 arrested.

5 ii. On or about March 13, 2009, after pleading guilty, Respondent was convicted of
6 one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving
7 while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
8 proceedings entitled *The People of the State of California v. Paul David Langkamp* (Super.
9 Ct. Orange County, 2009, No. 09WM01516). The Court sentenced Respondent to serve 40
10 days in Orange County Jail and placed him on 3 years probation, with terms and conditions.
11 The circumstances surrounding the conviction are that on or about November 9, 2008,
12 Respondent was stopped by the Orange County Sheriff's Department due to an outstanding
13 bench warrant issued to the registered owner of the vehicle. While speaking to Respondent,
14 the officer detected a strong odor of an alcoholic beverage emitting from his breath. He
15 was observed to have glassy eyes and slurred speech. When asked what he had been
16 drinking, Respondent stated, "Bud Light." While at the scene, Respondent submitted to a
17 Preliminary Alcohol Screening Test that resulted in a breath-alcohol content level of
18 0.127% on the first reading and 0.131% on the second. Respondent was subsequently
19 arrested.

20 iii. On or about March 15, 2007, after pleading guilty, Respondent was convicted of
21 one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving
22 under the influence of alcohol or drugs] and one count of violating Vehicle Code section
23 23512, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his
24 blood] in the criminal proceedings entitled *The People of the State of California v. Paul
25 David Langkamp* (Super. Ct. Orange County, 2007, No. 06NM15368). The Court placed
26 Respondent on 3 years probation, with terms and conditions. On or about February 18,
27 2009, the Court revoked Respondent's probation and issued a warrant for a probation
28 violation based on new case, 09WM01516. On or about March 13, 2009, the Court

1 reinstated Respondent's previous probation, but modified the previous order to add 10 days
2 in Orange County Jail. The circumstances surrounding the conviction are that on or about
3 September 23, 2006, Respondent was contacted during a traffic stop by the Brea Police
4 Department. While speaking to Respondent, the officer detected a strong odor of alcoholic
5 beverage emitting from is breath. He was observed to have bloodshot, watery eyes, and
6 slurred speech. When asked if he had consumed any alcoholic beverages, Respondent
7 stated, "one beer." During the booking procedure, Respondent submitted to a blood test
8 that resulted in a blood-alcohol content level of 0.10%.

9 b. Respondent's application is further subject to denial pursuant to Code sections 4301,
10 subdivision (p) and 480, subdivisions (a)(3)A) and (a)(3)(B), in that Respondent committed acts
11 which if done by a licentiate of the business and profession in question, would be grounds for
12 suspension or revocation of his license as follows:

13 i. Respondent was convicted of crimes substantially related to the qualifications, functions,
14 or duties of a pharmacy technician which to a substantial degree evidence his present or potential
15 unfitness to perform the functions authorized by his license in a manner consistent with the public
16 health, safety, or welfare, in violation of Code sections 4031, subdivision (l), and 490, in
17 conjunction with California Code of Regulations, title 16, section 1770, as more fully set forth
18 above in paragraph a, subparagraphs (i) through (iii), inclusive.

19 ii. Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious
20 to himself, another person, or the public, in violation of Code section 4301, subdivision (h), as
21 more fully set forth above in paragraph a, subparagraphs (ii) and (iii), inclusive.

22 iii. Respondent was convicted of crimes involving the consumption of alcoholic beverages,
23 in violation of section 4301, subdivision (k), as more fully set forth in paragraph a, subparagraphs
24 (ii) and (iii), inclusive.

25 **RECORD**

26 The Record upon which this Default Decision and Order are based is located at the
27 Sacramento headquarters of the Board.

28 ///

ORDER

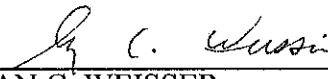
IT IS SO ORDERED that application of Paul David Langkamp, also known as Paul David Kamp, Paul Davidlang Kamp, and Paul D. Langkamp, for a Pharmacy Technician Registration is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 3, 2014.

It is so ORDERED November 3, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 
STAN C. WEISSER
Board President

Attachment:

Exhibit A: Statement of Issues No. 4355

Exhibit A
Statement of Issues No. 4355

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
Deputy Attorney General
4 State Bar No. 216956
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0083
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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:

13 **PAUL DAVID LANGKAMP;**
14 **a.k.a., PAUL DAVID KAMP;**
15 **PAUL DAVIDLANG KAMP;**
16 **PAUL DAVID KAMPLANG;**
17 **PAUL D. LANGKAMP**

Respondent.

Case No. 4355

STATEMENT OF ISSUES

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold ("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 2. On or about March 9, 2011, the Board of Pharmacy ("Board") received an application
24 for Registration as a Pharmacy Technioian from Paul David Langkamp, also known as Paul
25 David Kamp, Paul Davidlang Kamp, Paul David Kamplang, and Paul D. Langkamp,
26 ("Respondent"). On or about December 2, 2010, Respondent certified under penalty of perjury to
27 the truthfulness of all statements, answers, and representations in the application. The Board
28 denied the application on March 8, 2012.

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 ("Code") unless
4 otherwise indicated.

5 STATUTORY PROVISIONS

6 4. Code section 480 states, in pertinent part:

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

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

15

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

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

21 5. Code section 490 states, in pertinent part:

22 "(a) In addition to any other action that a board is permitted to take against a licensee, a
23 board may suspend or revoke a license on the ground that the licensee has been convicted of a
24 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
25 or profession for which the license was issued.

26 ///

27 ///

28 ///

1 "(b) Notwithstanding any other provision of law, a board may exercise any authority to
2 discipline a licensee for conviction of a crime that is independent of the authority granted under
3 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
4 of the business or profession for which the licensee's license was issued.

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

11 6. Code section 4300 provides, in pertinent part, that every license issued by the Board
12 is subject to discipline, including suspension or revocation."

13 7. Code section 4301 states, in pertinent part:

14 "The board shall take action against any holder of a license who is guilty of unprofessional
15 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
16 Unprofessional conduct shall include, but is not limited to, any of the following:

17

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

23

24 "(k) The conviction of more than one misdemeanor or any felony involving the use,
25 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
26 combination of those substances.

27 ///

28 ///

1 "(l) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
6 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
7 The board may inquire into the circumstances surrounding the commission of the crime, in order
8 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
9 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
10 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
11 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
12 of this provision. The board may take action when the time for appeal has elapsed, or the
13 judgment of 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 Section 1203.4 of
15 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
16 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
17 indictment.

18

19 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
20 violation of or conspiring to violate any provision or term of this chapter or of the applicable
21 federal and state laws and regulations governing pharmacy, including regulations established by
22 the board or by any other state or federal regulatory agency.

23 "(p) Actions or conduct that would have warranted denial of a license."

24 ///

25 ///

26 ///

27 ///

28 ///

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 (Convictions of Crimes)

11 9. Respondent's application is subject to denial under Code section 480, subdivision
12 (a)(1), in that Respondent was convicted of crimes, as follows:

13 a. On or about April 6, 2010, after pleading guilty, Respondent was convicted of one
14 misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a) [driving while
15 driving privileges are suspended and revoked with knowledge] in the criminal proceedings
16 entitled *The People of the State of California v. Paul David Langkamp* (Super. Ct. Orange
17 County, 2010, No. 10WM03071). The Court sentenced Respondent to serve 10 days in Orange
18 County Jail and placed him on 3 years probation, with terms and conditions. The circumstances
19 surrounding the conviction are that on or about February 12, 2010, during a traffic stop by the
20 Huntington Beach Police Department, Respondent was contacted. Respondent told the officer his
21 license was suspended. A records check indicated that Respondent also had an outstanding
22 warrant. Respondent was subsequently arrested.

23 b. On or about March 13, 2009, after pleading guilty, Respondent was convicted of one
24 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while
25 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceedings entitled
26 *The People of the State of California v. Paul David Langkamp* (Super. Ct. Orange County, 2009,
27 No. 09WM01516). The Court sentenced Respondent to serve 40 days in Orange County Jail and
28 placed him on 3 years probation, with terms and conditions. The circumstances surrounding the

1 conviction are that on or about November 9, 2008, Respondent was stopped by the Orange
2 County Sheriff's Department due to an outstanding bench warrant issued to the registered owner
3 of the vehicle. While speaking to Respondent, the officer detected a strong odor of an alcoholic
4 beverage emitting from his breath. He was observed to have glassy eyes and slurred speech.
5 When asked what he had been drinking, Respondent stated, "Bud Light." While at the scene,
6 Respondent submitted to a Preliminary Alcohol Screening Test that resulted in a breath-alcohol
7 content level of 0.127% on the first reading and 0.131% on the second. Respondent was
8 subsequently arrested.

9 c. On or about March 15, 2007, after pleading guilty, Respondent was convicted of one
10 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the
11 influence of alcohol or drugs] and one count of violating Vehicle Code section 23512, subdivision
12 (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal
13 proceedings entitled *The People of the State of California v. Paul David Langkamp* (Super. Ct.
14 Orange County, 2007, No. 06NM15368). The Court placed Respondent on 3 years probation,
15 with terms and conditions. On or about February 18, 2009, the Court revoked Respondent's
16 probation and issued a warrant for a probation violation based on new case, 09WM01516. On or
17 about March 13, 2009, the Court reinstated Respondent's previous probation, but modified the
18 previous order to add 10 days in Orange County Jail. The circumstances surrounding the
19 conviction are that on or about September 23, 2006, Respondent was contacted during a traffic
20 stop by the Brea Police Department. While speaking to Respondent, the officer detected a strong
21 odor of alcoholic beverage emitting from his breath. He was observed to have bloodshot, watery
22 eyes, and slurred speech. When asked if he had consumed any alcoholic beverages, Respondent
23 stated, "one beer." During the booking procedure, Respondent submitted to a blood test that
24 resulted in a blood-alcohol content level of 0.10%.

25 ///

26 ///

27 ///

28 ///

1 SECOND CAUSE FOR DENIAL OF APPLICATION

2 (Acts Warranting Denial of Licensure)

3 10. Respondent's application is subject to denial under Code sections 4301, subdivision
4 (p) and 480, subdivisions (a)(3)A) and (a)(3)(B), in that Respondent committed acts which if
5 done by a licentiate of the business and profession in question, would be grounds for suspension
6 or revocation of his license as follows:

7 a. Respondent was convicted of crimes substantially related to the qualifications,
8 functions, or duties of a pharmacy technician which to a substantial degree evidence his present
9 or potential unfitness to perform the functions authorized by his license in a manner consistent
10 with the public health, safety, or welfare, in violation of Code sections 4031, subdivision (l), and
11 490, in conjunction with California Code of Regulations, title 16, section 1770. Complainant
12 refers to, and by this reference incorporates, the allegations set forth above in paragraph 9,
13 subparagraphs (a) through (c), inclusive, as though set forth fully.

14 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or
15 injurious to himself, another person, or the public, in violation of Code section 4301, subdivision
16 (h). Complainant refers to, and by this reference incorporates, the allegations set forth above in
17 paragraph 9, subparagraphs (b) and (c), inclusive, as though set forth fully.

18 c. Respondent was convicted of crimes involving the consumption of alcoholic
19 beverages, in violation of section 4301, subdivision (k). Complainant refers to, and by this
20 reference incorporates, the allegations set forth above in paragraph 9, subparagraphs (b) and (c),
21 inclusive, as though set forth fully.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

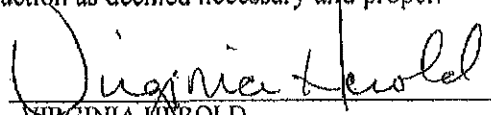
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER

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

1. Denying the application of Respondent for Registration as a Pharmacy Technician;
- and
2. Taking such other and further action as deemed necessary and proper.

DATED: 2/12/13



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