



California State Board of Pharmacy
 1625 N. Market Blvd, N219, Sacramento, CA 95834
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 www.pharmacy.ca.gov

BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY
 DEPARTMENT OF CONSUMER AFFAIRS
 GOVERNOR EDMUND G. BROWN JR.

APPLICATION FOR VOLUNTARY SURRENDER OF PHARMACY TECHNICIAN LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES

Name: <u>Jason W. Lepper</u>	Case No. <u>SI 4377</u>
Address of Record: <u>6030 Keats Circle</u> <u>Orangevale, CA 95622</u>	

Pursuant to the terms and conditions of my probation with the California State Board of Pharmacy (Board) in Case No. SI 4377, I hereby request to surrender my pharmacy technician license, License No. TCH121112. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, I will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of my license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my pharmacy technician license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

Jason Lepper
 Applicant's Signature

Christine Herold
 Executive Officer's Approval

5/29/2014
 Date

5/29/14
 Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 574-7900, 1625 N. Market Blvd., Suite N-219, Sacramento, CA 95834. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Statement of Issues Against:

Case No. 4377

JASON WESLEY LEEPER

6030 Keats Circle
Orangevale, CA 95662

Pharmacy Technician Registration Applicant

Respondent.

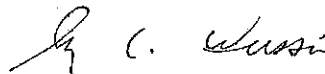
DECISION AND ORDER

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

This decision shall become effective on May 14, 2014.

It is so ORDERED on May 7, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
Against:

Case No. 4377

12 **JASON WESLEY LEEPER**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 **Pharmacy Technician Registration**
14 **Applicant**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
21 She brought this action solely in her official capacity and is represented in this matter by Kamala
22 D. Harris, Attorney General of the State of California, by Jeffrey M. Phillips, Deputy Attorney
23 General.

24 2. Respondent Jason Wesley Leeper, Jason Wesley Leeper ("Respondent") is
25 representing himself in this proceeding and has chosen not to exercise his right to be represented
26 by counsel.

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Respondent Jason Wesley Leeper, Jason Wesley Leeper
3 that Pharmacy Technician Registration will be issued and immediately revoked. The revocation
4 will be stayed and Respondent will be placed on two (2) years probation on the following terms
5 and conditions.

6 **1. Certification Prior to Resuming Work**

7 Respondent shall be automatically suspended from working as a pharmacy technician until
8 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides
9 satisfactory proof of certification to the board. Respondent shall not resume working as a
10 pharmacy technician until notified by the board. Failure to achieve certification within one (1)
11 year shall be considered a violation of probation. Respondent shall not resume working as a
12 pharmacy technician until notified by the board.

13 During suspension, respondent shall not enter any pharmacy area or any portion of any
14 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
15 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
16 devices or controlled substances are maintained. Respondent shall not do any act involving drug
17 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
18 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
19 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
20 substances. Respondent shall not resume work until notified by the board.

21 Subject to the above restrictions, respondent may continue to own or hold an interest in any
22 licensed premises by the board in which he holds an interest at the time this decision becomes
23 effective unless otherwise specified in this order.

24 Failure to comply with this suspension shall be considered a violation of probation.

25 **2. Obey All Laws**

26 Respondent shall obey all state and federal laws and regulations.

27 Respondent shall report any of the following occurrences to the board, in writing, within
28 seventy-two (72) hours of such occurrence:

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

11 Failure to timely report any such occurrence shall be considered a violation of probation.

12 **3. Report to the Board**

13 Respondent shall report to the board quarterly, on a schedule as directed by the board or its

14 designee. The report shall be made either in person or in writing, as directed. Among other

15 requirements, respondent shall state in each report under penalty of perjury whether there has

16 been compliance with all the terms and conditions of probation. Failure to submit timely reports

17 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency

18 in submission of reports as directed may be added to the total period of probation. Moreover, if

19 the final probation report is not made as directed, probation shall be automatically extended until

20 such time as the final report is made and accepted by the board.

21 **4. Interview with the Board**

22 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews

23 with the board or its designee, at such intervals and locations as are determined by the board or its

24 designee. Failure to appear for any scheduled interview without prior notification to board staff,

25 or failure to appear at two (2) or more scheduled interviews with the board or its designee during

26 the period of probation, shall be considered a violation of probation.

27 **5. Cooperate with Board Staff**

28 Respondent shall cooperate with the board's inspection program and with the board's

1 monitoring and investigation of respondent's compliance with the terms and conditions of his
2 probation. Failure to cooperate shall be considered a violation of probation.

3 **6. Notice to Employers**

4 During the period of probation, respondent shall notify all present and prospective
5 employers of the decision in case number 4377 and the terms, conditions and restrictions imposed
6 on respondent by the decision, as follows:

7 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
8 respondent undertaking any new employment, respondent shall cause his direct supervisor,
9 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
10 tenure of employment) and owner to report to the board in writing acknowledging that the listed
11 individual(s) has/have read the decision in case number 4377 and the terms and conditions
12 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or
13 supervisor(s) submit timely acknowledgement(s) to the board.

14 If respondent works for or is employed by or through a pharmacy employment service,
15 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy
16 of the terms and conditions of the decision in case number 4377 in advance of the respondent
17 commencing work at each pharmacy. A record of this notification must be provided to the board
18 upon request.

19 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
20 (15) days of respondent undertaking any new employment by or through a pharmacy employment
21 service, respondent shall cause his direct supervisor with the pharmacy employment service to
22 report to the board in writing acknowledging that he has read the decision in case number 4377
23 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
24 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

25 Failure to timely notify present or prospective employer(s) or to cause that/those
26 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
27 probation.

28 "Employment" within the meaning of this provision shall include any full-time,

1 part-time, temporary or relief service or pharmacy management service as a pharmacy
2 technician or in any position for which a pharmacy technician license is a requirement
3 or criterion for employment, whether the respondent is considered an employee,
4 independent contractor or volunteer.

5 **7. Probation Monitoring Costs**

6 Respondent shall pay any costs associated with probation monitoring as determined by the
7 board each and every year of probation. Such costs shall be payable to the board on a schedule as
8 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
9 be considered a violation of probation.

10 **8. Status of License**

11 Respondent shall, at all times while on probation, maintain an active, current pharmacy
12 technician license with the board, including any period during which suspension or probation is
13 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

14 If respondent's pharmacy technician license expires or is cancelled by operation of law or
15 otherwise at any time during the period of probation, including any extensions thereof due to
16 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
17 terms and conditions of this probation not previously satisfied.

18 **9. License Surrender While on Probation/Suspension**

19 Following the effective date of this decision, should respondent cease work due to
20 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
21 respondent may tender his pharmacy technician license to the board for surrender. The board or
22 its designee shall have the discretion whether to grant the request for surrender or take any other
23 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
24 license, respondent will no longer be subject to the terms and conditions of probation. This
25 surrender constitutes a record of discipline and shall become a part of the respondent's license
26 history with the board.

27 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician
28 license to the board within ten (10) days of notification by the board that the surrender is

1 accepted. Respondent may not reapply for any license, permit, or registration from the board for
2 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
3 applicable to the license sought as of the date the application for that license is submitted to the
4 board.

5 **10. Notification of a Change in Name, Residence Address, Mailing Address or**
6 **Employment**

7 Respondent shall notify the board in writing within ten (10) days of any change of
8 employment. Said notification shall include the reasons for leaving, the address of the new
9 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
10 shall further notify the board in writing within ten (10) days of a change in name, residence
11 address and mailing address, or phone number.

12 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
13 phone number(s) shall be considered a violation of probation.

14 **11. Tolling of Probation**

15 Except during periods of suspension, respondent shall, at all times while on probation, be
16 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.
17 Any month during which this minimum is not met shall toll the period of probation, i.e., the
18 period of probation shall be extended by one month for each month during which this minimum is
19 not met. During any such period of tolling of probation, respondent must nonetheless comply
20 with all terms and conditions of probation.

21 Should respondent, regardless of residency, for any reason (including vacation) cease
22 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,
23 respondent must notify the board in writing within ten (10) days of cessation of work and must
24 further notify the board in writing within ten (10) days of the resumption of the work. Any failure
25 to provide such notification(s) shall be considered a violation of probation.

26 It is a violation of probation for respondent's probation to remain tolled pursuant to the
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,
28 exceeding thirty-six (36) months.

1 "Cessation of work" means calendar month during which respondent is not working for at
2 least 40 hours as a pharmacy technician, as defined in Business and Professions Code section
3 4115. "Resumption of work" means any calendar month during which respondent is working as a
4 pharmacy technician for at least 40 hours as a pharmacy technician as defined by Business and
5 Professions Code section 4115.

6 **12. Violation of Probation**

7 If a respondent has not complied with any term or condition of probation, the board shall
8 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
9 all terms and conditions have been satisfied or the board has taken other action as deemed
10 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
11 to impose the penalty that was stayed.

12 If respondent violates probation in any respect, the board, after giving respondent notice
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
14 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
15 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
16 a petition to revoke probation or an accusation is filed against respondent during probation, the
17 board shall have continuing jurisdiction, and the period of probation shall be automatically
18 extended until the petition to revoke probation or accusation is heard and decided.

19 **13. Completion of Probation**

20 Upon written notice by the board indicating successful completion of probation,
21 respondent's pharmacy technician license will be fully restored.

22 **14. No Ownership of Licensed Premises**

23 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
25 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
26 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
27 days following the effective date of this decision and shall immediately thereafter provide written
28 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide

1 documentation thereof shall be considered a violation of probation.

2 **15. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

3 In the event that Respondent tests positive for alcohol, controlled substances, or dangerous
4 drugs during probation, consistent with condition 15, below, respondent shall immediately begin
5 regular attendance at a recognized and established substance abuse recovery support group in
6 California, (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved
7 by the board or its designee. Respondent must attend at least one group meeting per week unless
8 otherwise directed by the board or its designee. Respondent shall continue regular attendance and
9 submit signed and dated documentation confirming attendance with each quarterly report for the
10 duration of probation. Failure to attend or submit documentation thereof shall be considered a
11 violation of probation.

12 **16. Random Drug Screening**

13 Respondent, at his own expense, shall participate in random testing, including but not
14 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
15 screening program as directed by the board or its designee. Respondent may be required to
16 participate in testing for the entire probation period and the frequency of testing will be
17 determined by the board or its designee. At all times respondent shall fully cooperate with the
18 board or its designee, and shall, when directed, submit to such tests and samples for the detection
19 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
20 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
21 of probation. Upon request of the board or its designee, respondent shall provide documentation
22 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
23 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
24 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
25 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
26 shall be considered a violation of probation and shall result in the automatic suspension of work
27 by respondent. Respondent may not resume work as a pharmacy technician until notified by the
28 board in writing.

1 During suspension, respondent shall not enter any pharmacy area or any portion of or any
2 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other
3 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and
4 devices or controlled substances are maintained. Respondent shall not do any act involving drug
5 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent
6 manage, administer, or assist any licensee of the board. Respondent shall not have access to or
7 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled
8 substances. Respondent shall not resume work until notified by the board.

9 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.
10 Subject to the above restrictions, respondent may continue to own or hold an interest in any
11 licensed premises in which he holds an interest at the time this decision becomes effective unless
12 otherwise specified in this order.

13 Failure to comply with this suspension shall be considered a violation of probation.

14 **17. Work Site Monitor**

15 Within ten (10) days of the effective date of this decision, respondent shall identify a work
16 site monitor, for prior approval by the board, who shall be responsible for supervising respondent
17 during working hours. Respondent shall be responsible for ensuring that the work site monitor
18 reports in writing to the board quarterly. Should the designated work site monitor determine at
19 any time during the probationary period that respondent has not maintained sobriety, he shall
20 notify the board immediately, either orally or in writing as directed. Should respondent change
21 employment, a new work site monitor must be designated, for prior approval by the board, within
22 ten (10) days of commencing new employment. Failure to identify an acceptable initial or
23 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be
24 considered a violation of probation.

25 **18. Notification of Departure**

26 Prior to leaving the probationary geographic area designated by the board or its designee for
27 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in
28 writing of the dates of departure and return. Failure to comply with this provision shall be

1 considered a violation of probation.

2 **19. Abstain from Drugs and Alcohol Use**

3 Respondent shall completely abstain from the possession or use of alcohol, controlled
4 substances, dangerous drugs and their associated paraphernalia except when the drugs are
5 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
6 request of the board or its designee, respondent shall provide documentation from the licensed
7 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
8 treatment of the respondent. Failure to timely provide such documentation shall be considered a
9 violation of probation. Respondent shall ensure that he is not in the same physical location as
10 individuals who are using illicit substances even if respondent is not personally ingesting the
11 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
12 not supported by the documentation timely provided, and/or any physical proximity to persons
13 using illicit substances, shall be considered a violation of probation.

14 **20. Prescription Coordination and Monitoring of Prescription Use**

15 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
16 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
17 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
18 history with the use of alcohol, and who will coordinate and monitor any prescriptions for
19 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
20 practitioner shall be provided with a copy of the board's Statement of Issues, Stipulated
21 Settlement, and decision. A record of this notification must be provided to the board upon
22 request. Respondent shall sign a release authorizing the practitioner to communicate with the
23 board about respondent's treatment(s). The coordinating physician, nurse practitioner, physician
24 assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation
25 regarding respondent's compliance with this condition. If any substances considered addictive
26 have been prescribed, the report shall identify a program for the time limited use of any such
27 substances. The board may require that the single coordinating physician, nurse practitioner,
28 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in

1 addictive medicine. Should respondent, for any reason, cease supervision by the approved
2 practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing
3 treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or
4 psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to
5 timely submit the selected practitioner or replacement practitioner to the board for approval, or to
6 ensure the required reporting thereby on the quarterly reports, shall be considered a violation of
7 probation.

8 If at any time an approved practitioner determines that respondent is unable to practice
9 safely or independently as a pharmacy technician, the practitioner shall notify the board
10 immediately by telephone and follow up by written letter within three (3) working days. Upon
11 notification from the board or its designee of this determination, respondent shall be
12 automatically suspended and shall not resume practice until notified by the board that practice
13 may be resumed.

14 During suspension, respondent shall not enter any pharmacy area or any portion of the
15 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
16 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices
17 or controlled substances are maintained. During suspension, Respondent shall not practice as a
18 pharmacy technician nor do any act that requires registration as a pharmacy technician with the
19 Board. Respondent shall not resume practice until notified by the board.

20
21 ACCEPTANCE

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

26
27 DATED: 4/8/14

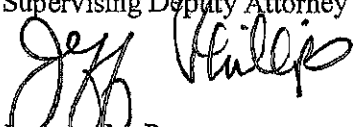
Jason Wesley Leeper
28 JASON WESLEY LEEPER, Respondent

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ENDORSEMENT

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

Dated: 4/11/14

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General

JEFFREY M. PHILLIPS
Deputy Attorney General
Attorneys for Complainant

SA2012107219
Leeper revised stipulaiton.docx

Exhibit A

Statement of Issues No. 4377

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
4 State Bar No. 154990
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Sacramento, CA 94244-2550
6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:
12 **JASON WESLEY LEEPER**
13 **Pharmacy Technician Registration**
14 **Applicant**
15 **Respondent.**

Case No. 4377

STATEMENT OF ISSUES

16
17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. In January, 2012, the Board of Pharmacy, Department of Consumer Affairs received
22 an application for Pharmacy Technician Registration from Jason Wesley Leeper (Respondent).
23 On or about October 10, 2011, Jason Wesley Leeper certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on June 21, 2012.

26 ///
27 ///
28 ///

JURISDICTION

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

4. Section 4300, subdivision (c) of the Code states in pertinent part:

“(c) The board may refuse a license to any applicant guilty of unprofessional conduct...”

5. Section 4301 of the Code states:

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

....

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

....

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

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

///

1 under the influence of an alcoholic beverage or a drug or under their combined influences, drive a
2 vehicle, with a prior conviction on January 21, 1997, for driving under the influence of alcohol.

3 c. On or about May 14, 2008, in a criminal proceeding entitled *People v. Jason*
4 *Wesley Leeper*, in Yolo County Superior Court, Case Number 08-1292, Respondent was
5 convicted by plea of nolo contendere of violating Vehicle Code section 23152, subdivision (b),
6 (driving while under the influence of alcohol with blood alcohol level greater than 0.08% by
7 volume), a misdemeanor. The circumstances of the crime are that on or about February 3, 2008,
8 Respondent did willfully and unlawfully drive a vehicle while having 0.08 percent or more, by
9 weight, of alcohol in Respondent's blood, while under the influence of an alcoholic beverage or
10 a drug or under their combined influence, drive a vehicle with a blood alcohol content of 0.22/
11 0.23 percent.

12 **SECOND CAUSE FOR DENIAL OF APPLICATION**

13 **(Use of Alcohol to an Extent or in a Manner Dangerous to Self or Others)**

14 8. Respondent's application is subject to denial under section 480, subdivision (a),
15 paragraph (3), for committing acts which if done by a licensee would subject him to discipline as
16 defined by section 4301, subdivision (h), unprofessional conduct, in that Respondent used alcohol
17 to an extent or in a manner dangerous to himself or others by driving a vehicle upon a public
18 roadway while under the influence of alcohol on three (3) occasions as set forth in paragraph 7,
19 above.

20 **THIRD CAUSE FOR DENIAL OF APPLICATION**

21 **(Knowingly Making a False Statement in a License Application)**

22 9. Respondent's application is subject to denial under section 480, subdivision (c),
23 paragraph (3), on the grounds that Respondent knowingly made a false statement of fact required
24 to be revealed in the application for the license in that he failed to disclose the 1997 and 2001
25 DUI convictions in his application for licensure, as set forth in paragraph 7, above.

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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 Jason Wesley Leeper for a Pharmacy Technician Registration;
2. Taking such other and further action as deemed necessary and proper.

DATED: 1/31/14 Virginia Herold
VIRGINIA HEROLD
Executive Officer, Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

SA2012107219
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