

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

In the Matter of the Statement of Issues  
Against:

MARC CHRISTOPHER BURY,

Respondent.

Case No. 5086

OAH No. 2014091044

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 21, 2015.

It is so ORDERED on July 22, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
AMARYLIS GUTIERREZ  
Board President

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**PROPOSED DECISION**

The hearing in the above-captioned matter took place on May 12, 2015, in Carpinteria, California, before Joseph D. Montoya, Administrative Law Judge (ALJ), Office of Administrative Hearings. Complainant Virginia Herold was represented by Christina Thomas, Deputy Attorney General. Respondent Marc Christopher Bury appeared and represented himself.

After the case was submitted, the ALJ found private information, such as Respondent's social security number or driver's license number, in some of the exhibits. Such entries were redacted in the interests of privacy.

Evidence was received, the case was argued, and the matter submitted for decision on the hearing date. The ALJ hereby makes his factual findings, legal conclusions, and order.

**FACTUAL FINDINGS**

1. Complainant filed the Statement of Issues (SOI) against Respondent while acting in her official capacity as Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.
2. Respondent submitted an application (application) for a pharmacy technician registration to the Board on June 28, 2013. Respondent's application disclosed that he had been convicted of a crime. On December 3, 2013, the Board denied the application because of his conviction.
3. On August 10, 2007, in the Superior Court of California, County of Ventura, Respondent was convicted of one count of violating Penal Code section 288, subdivision (a),

lewd act upon a child. The conviction was entered as a felony based on Respondent's guilty plea, which plea was made on August 10, 2007.

4. On February 13, 2008, Respondent was sentenced to three years in state prison, less credit for 231 days. He was ordered to pay fines, penalties, fees, and assessments totaling \$1,870, and he was required to register as a sex offender under Penal Code section 290.

5. The crime occurred on July 27, 2007. Respondent was then 18 years old, and had just graduated from high school. He was with a friend and the friend's family on the day in question, and he had been drinking. Respondent had come out as gay to his friend and the family, and had been told his friend's younger brother, then 12 years old, thought he might be gay. Some interaction between Respondent and the young boy took place, and Respondent touched the boy's penis. The boy later reported the matter to his mother, leading to Respondent's arrest.

6. Respondent's crime is one of moral turpitude, substantially related to the duties, functions, and qualifications of a pharmacy technician.

7. Respondent finished his prison sentence; his release date is not clear from the record. It is clear that he was paroled, and is to remain on parole until September 8, 2015.<sup>1</sup> Respondent has paid all of the fines and fees imposed by the court, has complied with all laws, including the obligation to register as a sex offender, and has participated in treatment, has undergone polygraph testing, and other testing. He is otherwise in compliance with his parole.

8. Beginning on August 20, 2011, Respondent attended a sex offender treatment program provided by The Counseling and Psychotherapy Center, Inc. (CPC). Attendance and participation were part of his parole conditions. He remains in the program, though he has moved into a less intensive phase. For most of that time, Respondent worked with Curtis Knecht (Knecht), a licensed Marriage and Family Therapist.

9. Knecht testified at the hearing on Respondent's behalf. He recently retired, after 37 years of clinical work, and at least 20 years working with victims of sexual abuse, their families, as well as perpetrators. His experience includes four years working with the Los Angeles Department of Children and Family Services sex abuse unit, five years in private practice, much of that practice involving sex abuse, and three years as an expert for the Superior Court in Los Angeles, providing evaluations and testimony. From 2007 until recently, Knecht was Director of Treatment for CPC in Southern California. Knecht is

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<sup>1</sup> This was the "target date" referenced by Curtis H. Knecht, who has been evaluating Respondent as part of the parole program.

Certified by the California Sex Offender Management Board (SOMB)<sup>2</sup> as an independent practitioner, and he is a master trainer for two of the test instruments used by SOMB to evaluate sex offenders.

10. Knecht verified that Respondent completed the intense phase of the CPC program, which required twice-weekly group therapy, and monthly individual sessions for three years. He then moved into CPC's Aftercare and Maintenance program, which only requires monthly individual sessions.

11. In Knecht's professional opinion, Respondent's risk level for re-offense is low; at one point he quantified it as a five per cent chance of re-offense. His opinion is based in part on use of two of the authorized risk assessment instruments, but it also reflects other factors, including polygraph results that show that Respondent has not been deceptive in his responses. Knecht estimated that Respondent has taken three to five polygraph tests; he was not sure if the target set by SOMB for a yearly polygraph test had been met. Other facts influencing his opinion are that Respondent now has a stable relationship of four years duration with another man, and the polygraph confirms that Respondent has not been using alcohol, and has not been in "unauthorized" situations with children. Further, he labeled Respondent as compliant, working the program, maintaining employment while obtaining an education. Respondent has had good reports from his parole officer.

12. Knecht testified that Respondent is not a pedophile, and does not meet the diagnostic criteria set out in the standard reference manual, but rather is interested in adult males. From his testimony, it appears that Respondent's offense was influenced by his relatively young age and alcohol use at the time of the incident. Respondent is now 26 years old, and it appears from the polygraph exams that he has not been using alcohol.

13. Respondent testified on his own part. He did not deny his wrongdoing, but obviously would like to put it behind him. Since his release from prison he has held a job—he attested that he went to work within one month of his release—and for some time he has been working two jobs while going to school part time. At this time he works in a pharmacy, as a clerk, and he also works in a restaurant as a waiter. He needs to take one more class to obtain his A.A. degree. His employer at the pharmacy is aware of his conviction and would employ him as a pharmacy technician if Respondent were licensed by the Board. Respondent has, through his employment, been able to pay the rent on a condominium, and recently moved his mother into his home.

14. The witnesses were all credible in their demeanor while testifying, including the Board's witness. Knecht's testimony was also credible in its content, as his experience and expertise was considerable, and he had considerable experience with Respondent.

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<sup>2</sup> SOMB was established by legislation found in Penal Code sections 9000 through 9003. The purpose of the Board is to monitor and assess registered sex offenders. State-Authorized Risk Assessment Tools are developed pursuant to Penal Code sections 290.04 through 290.09. Knecht is certified to train others to use those risk assessment tools.

Knecht commented that Respondent was very different from the "state prison population" that he has dealt with in the past, in that such group tends to comprise obdurate individuals, whereas Respondent was compliant, participating in the therapy programs, and moving forward. Knecht also commented that he was retired as of the hearing, and that he was not obligated to be there. It was plain that he believes that Respondent indeed poses a low risk, and that Respondent has an attitude that makes re-offense less likely.

## LEGAL CONCLUSIONS

1. The Board has jurisdiction to determine whether an application for a pharmacy technician's registration should be granted, where an applicant has been guilty of unprofessional conduct, pursuant to Business and Professions Code section 4300, subdivision (b).<sup>3</sup> Respondent, as detailed below, has been guilty of unprofessional conduct prior to his application, within the meaning of section 4301, subdivisions (f) and (l). Jurisdiction has been established based on Factual Findings 1, 2, and 3.

2. Respondent has been convicted of a felony that is substantially related to the duties, qualifications, and functions of a pharmacy technician, based on California Code of Regulations (CCR), title 16, section 1770,<sup>4</sup> based on Factual Findings 3 through 6.

3. Cause exists to deny Respondent's application pursuant to section 480, subdivision (a)(1), based on his conviction of a felony, based on Factual Findings 3 through 6, and Legal Conclusion 2.

4. Cause exists to deny Respondent's application pursuant to section 480, subdivision (a)(3), because his crime and conviction would be grounds, if he were already licensed, to discipline his license pursuant to sections 4300, subdivision (b), and 4301, subdivisions (f) and (l). This Conclusion is based on Factual Findings 3 through 6, and Legal Conclusion 2.

5. The Board has adopted criteria to determine if an applicant is rehabilitated sufficiently to justify licensure, when cause to deny has otherwise been established. The relevant criteria are found in CCR section 1769, subdivision (b), and follow:

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

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<sup>3</sup> All statutory references are to the Business and Professions Code unless otherwise noted.

<sup>4</sup> Further references to the CCR are to title 16 thereof.

- (1) The nature and severity of the act(s) or offense(s) under consideration as grounds for denial.
- (2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.
- (3) The time that has elapsed since commission of the act(s) or crime(s) referred to in subdivision (1) or (2).
- (4) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.
- (5) Evidence, if any, of rehabilitation submitted by the applicant.

6. Applying the rehabilitation criteria, it is seen that Respondent's conviction is for a very serious crime. In his favor is the fact that the crime occurred nearly eight years ago, and there have been no subsequent acts or crimes that would be grounds for denial. Respondent is in compliance with all of his parole terms, and parole is to terminate in approximately 90 days. Respondent has submitted evidence of rehabilitation, including ongoing efforts at education, and full employment. Further, he is now helping to support his mother. As noted above, the testimony of Knecht was credible, and it indicates a low chance of recidivism on Respondent's part.

7. The purpose of proceedings of this type are to protect the public, and not to further punish an individual for his or her crime. (*Hughes v. Board of Architectural Examiners* (1998) 17 Cal.4th 763, 784-786; *Bryce v. Board of Medical Quality Assurance* (1986) 184 Cal.App.3d 1471, 1476.) Respondent has been working and living in the same area for several years, without further incident. Pharmacy technicians spend a substantial amount of their time in and around the licensed portion of the premises, where children typically are not present. They work closely with other technicians and pharmacists. It is reasonably inferred that he would be supervised in his activities by a pharmacist, and that there would be more supervision than when he is working in the retail portion of the premises, as he is in his current position. On balance, it appears that a probationary license can issue that will adequately protect the public.

## ORDER

Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to Respondent Marc Christopher Bury and immediately revoked; the order of revocation is stayed and Respondent is placed on probation for three years upon the following terms and conditions:

**1. Certification Prior to Resuming Work:** Respondent shall be automatically suspended from working as a pharmacy technician until he is certified as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the Board. Respondent may not work as a pharmacy technician until notified by the Board. Failure to achieve certification within one (1) year shall be considered a violation of probation.

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

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

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

**2. Obey All Laws:** Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacy technician's registration or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

**3. Report to the Board:** Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report

under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

**4. Interview with the Board:** Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear at two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

**5. Cooperate with Board Staff:** Respondent shall cooperate with the Board's inspection program and with the Board's monitoring and investigation of Respondent's compliance with the terms and conditions of his or her probation. Failure to cooperate shall be considered a violation of probation.

**6. Notice to Employers:** During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number 5086 and the terms, conditions and restrictions imposed on Respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment, Respondent shall cause his or her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's tenure of employment) and owner to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number 5086 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the Board.

If Respondent works for or is employed by or through a pharmacy employment service, Respondent must notify his or her direct supervisor, pharmacist-in-charge and owner at every pharmacy of the terms and conditions of the decision in case number 5086 in advance of the Respondent commencing work at each pharmacy. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through a pharmacy employment service, Respondent shall cause his or her direct supervisor with the pharmacy employment service to report to the Board in writing acknowledging that he or she has read the decision in case number 5086 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

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

“Employment” within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the Respondent is considered an employee, independent contractor or volunteer.

**7. Probation Monitoring Costs:** Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

**8. Status of License:** Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

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

**9. License Surrender While on Probation/Suspension:** Following the effective date of this decision, should Respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender his or her pharmacy technician license to the Board for surrender. 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, Respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the Respondent's license history with the Board.

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

**10. Notification of a Change in Name, Residence Address, Mailing Address or Employment:** Respondent shall notify the Board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, the address of the new employer, the name of the supervisor and owner, and the work schedule if known.

Respondent shall further notify the Board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

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

#### **11. Tolling of Probation**

Except during periods of suspension, Respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 80 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, Respondent must nonetheless comply with all terms and conditions of probation.

Should Respondent, regardless of residency, for any reason (including vacation) cease working as a pharmacy technician for a minimum of 80 hours per calendar month in California, Respondent must notify the Board in writing within ten (10) days of cessation of work and must further notify the Board in writing within ten (10) days of the resumption of the work. Any failure to provide such notification(s) shall be considered a violation of probation.

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

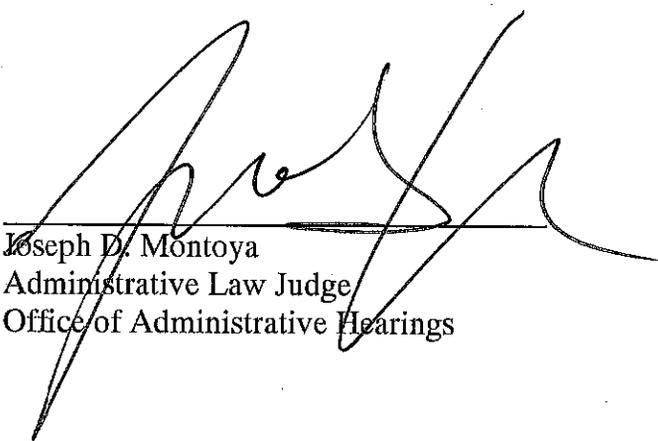
"Cessation of work" means calendar month during which Respondent is not working for at least 80 hours as a pharmacy technician, as defined in Business and Professions Code section 4115. "Resumption of work" means any calendar month during which Respondent is working as a pharmacy technician for at least 80 hours as a pharmacy technician as defined by Business and Professions Code section 4115.

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

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

**13. Completion of Probation:** Upon written notice by the Board indicating successful completion of probation, Respondent's pharmacy technician license will be fully restored.

June 11, 2015



Joseph D. Montoya  
Administrative Law Judge  
Office of Administrative Hearings

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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  
Against:

Case No. 5086

12 **MARC CHRISTOPHER BURY**  
13 Pharmacy Technician Registration Applicant

**STATEMENT OF ISSUES**

14  
15 Respondent.

16  
17  
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about June 28, 2013, the Board received an application for a Pharmacy  
24 Technician Registration from Marc Christopher Bury (Respondent). On or about June 25, 2013,  
25 Marc Christopher Bury certified under penalty of perjury to the truthfulness of all statements,  
26 answers, and representations in the application. The Board denied the application on December  
27 3, 2013.

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1           5.     Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
2 on the ground that the licensee has been convicted of a crime substantially related to the  
3 qualifications, functions, or duties of the business or profession for which the license was issued.

4           6.     Section 4300 provides, in pertinent part, that every license issued by the Boards is  
5 subject to discipline, including suspension or revocation.

6           7.     Section 4300.1 states:

7           "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
8 operation of law or by order or decision of the board or a court of law, the placement of a license  
9 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
10 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
11 proceeding against, the licensee or to render a decision suspending or revoking the license."

12          8.     Section 4301 states, in pertinent part:

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

16          .....

17          "(l)    The conviction of a crime substantially related to the qualifications, functions, and  
18 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
19 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
20 substances or of a violation of the statutes of this state regulating controlled substances or  
21 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
22 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
23 The board may inquire into the circumstances surrounding the commission of the crime, in order  
24 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
25 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
26 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
27 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
28 of this provision. The board may take action when the time for appeal has elapsed, or the

1 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
2 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
3 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
4 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
5 indictment.

6 . . . .

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

8 **REGULATORY PROVISIONS**

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

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

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(Conviction of a Substantially Related Crime)**

18 10. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
19 that Respondent was convicted of a crime, as follows:

20 a. On or about August 10, 2007, after pleading guilty, Respondent was convicted of one  
21 felony count of violating Penal Code section 288, subdivision (a) [lewd act upon a child] in the  
22 criminal proceeding entitled *The People of the State of California v. Marc Christopher Bury*  
23 (Super. Ct. Ventura County, 2007, No. 2007028735FA). The Court sentenced Respondent to  
24 serve 3 years in State Prison.

25 b. The circumstance surrounding the conviction are that on or about July 27, 2007,  
26 Ventura Police Department received a report of a child molestation involving a 12-year-old  
27 victim. Respondent admitted to the Ventura Police Department that he fondled the victim's penis  
28

1 and penetrated his anus with his finger. Respondent was subsequently arrested by the Ventura  
2 Police Department.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Act Warranting Denial of Licensure)**

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

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

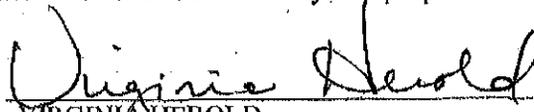
16 **PRAYER**

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

- 19 1. Denying the application of Marc Christopher Bury for a Pharmacy Technician  
20 Registration; and  
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: \_\_\_\_\_

8/12/14



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

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