

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

In the Matter of the Statement of Issues Against:

Case No. 5243

**DEBBIE RENEE CLARK AKA LISA
LEEPER AKA KIM CONLEY
37114 Calle Real
Palmdale, CA 93551**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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 at 5:00 p.m. on April 1, 2016.

It is so ORDERED March 2, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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Attorneys for Complainant
7

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:
12 **DEBBIE RENEE CLARK AKA LISA**
13 **LEEPER AKA KIM CONLEY**
14 **37114 Calle Real**
Palmdale, CA 93551
15 **Pharmacy Technician Registration**
16 Respondent.

Case No. 5243
OAH No. 2015070753
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

24 PARTIES

25 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
26 She brought this action solely in her official capacity and is represented in this matter by Kamala
27 D. Harris, Attorney General of the State of California, by Nancy A. Kaiser, Deputy Attorney
28 General.

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2. Respondent Debbie Renee Clark aka Lisa Leeper aka Kim Conley ("Respondent") is representing herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about October 15, 2013, Respondent filed an application dated October 3, 2013, with the Board of Pharmacy to obtain a Pharmacy Technician Registration. The Board denied the application on April 17, 2014.

JURISDICTION

4. Statement of Issues No. 5243 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Statement of Issues and all other statutorily required documents were properly served on Respondent on May 12, 2015.

5. A copy of Statement of Issues No. 5243 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Statement of Issues No. 5243. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Statement of Issues; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Statement of
3 Issues No. 5243.

4 10. Respondent agrees that her Pharmacy Technician Registration is subject to denial and
5 she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

8 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
12 that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the
13 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
14 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
15 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
16 not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
19 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that upon satisfaction of all statutory and regulatory
3 requirements for issuance of a registration, a pharmacy technician registration shall be issued to
4 Respondent and immediately revoked; the order of revocation is stayed and Respondent is placed
5 on probation for five (5) years upon the following terms and conditions:

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

7 Respondent shall be automatically suspended from working as a pharmacy technician until
8 she 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 she 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.

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1 **5. Cooperate with Board Staff**

2 Respondent shall cooperate with the board's inspection program and with the board's
3 monitoring and investigation of respondent's compliance with the terms and conditions of her
4 probation. Failure to cooperate shall be considered a violation of probation.

5 **6. Notice to Employers**

6 During the period of probation, respondent shall notify all present and prospective
7 employers of the decision in case number 5243 and the terms, conditions and restrictions imposed
8 on respondent by the decision, as follows:

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 respondent undertaking any new employment, respondent shall cause her direct supervisor,
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed
13 individual(s) has/have read the decision in case number 5243 and the terms and conditions
14 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
15 supervisor(s) submit timely acknowledgement(s) to the board.

16 If respondent works for or is employed by or through a pharmacy employment service,
17 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
18 of the terms and conditions of the decision in case number 5243 in advance of the respondent
19 commencing work at each pharmacy. A record of this notification must be provided to the board
20 upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
22 (15) days of respondent undertaking any new employment by or through a pharmacy employment
23 service, respondent shall cause her direct supervisor with the pharmacy employment service to
24 report to the board in writing acknowledging that she has read the decision in case number 5243
25 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
26 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

9 **7. Probation Monitoring Costs**

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

14 **8. Status of License**

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

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

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

23 Following the effective date of this decision, should respondent cease work due to
24 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
25 respondent may tender her pharmacy technician license to the board for surrender. The board or
26 its designee shall have the discretion whether to grant the request for surrender or take any other
27 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
28 license, respondent will no longer be subject to the terms and conditions of probation. This

1 surrender constitutes a record of discipline and shall become a part of the respondent's license
2 history with the board.

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

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

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

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

18 **11. Tolling of Probation**

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

25 Should respondent, regardless of residency, for any reason (including vacation) cease
26 working as a pharmacy technician for a minimum of 20 hours per calendar month in California,
27 respondent must notify the board in writing within ten (10) days of cessation of work and must
28 further notify the board in writing within ten (10) days of the resumption of the work. Any

1 failure to provide such notification(s) shall be considered a violation of probation.

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

5 "Cessation of work" means calendar month during which respondent is not
6 working for at least 20 hours as a pharmacy technician, as defined in Business and
7 Professions Code section 4115. "Resumption of work" means any calendar month
8 during which respondent is working as a pharmacy technician for at least 20 hours as
9 a pharmacy technician as defined by Business and Professions Code section 4115.

10 **12. Violation of Probation**

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

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

23 **13. Completion of Probation**

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

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

27 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
28 administrator, member, officer, director, trustee, associate, or partner of any business, firm,

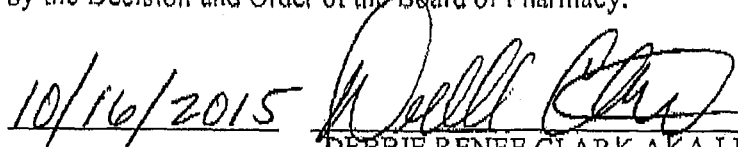
1 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
 2 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
 3 days following the effective date of this decision and shall immediately thereafter provide written
 4 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
 5 documentation thereof shall be considered a violation of probation.

6 15. **Ethics Counseling.** Respondent shall complete ten (10) sessions of ethics counseling
 7 in the first year of the probationary period. Upon successful completion of the ten sessions,
 8 Respondent shall provide proof to the Board.

9 ACCEPTANCE

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

14
 15 DATED: 10/16/2015

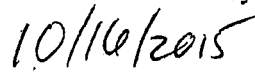


16 DEBBIE RENEE CLARK AKA LISA LEEPER AKA
 17 KIM CONLEY
 Respondent

18
 19 ENDORSEMENT

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

22 Dated: 10/16/2015



Respectfully submitted,

23 KAMALA D. HARRIS
 Attorney General of California
 24 ARMANDO ZAMBRANO
 Supervising Deputy Attorney General



25 NANCY A. KAISER
 26 Deputy Attorney General
 27 Attorneys for Complainant

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Exhibit A

Statement of Issues No. 5243

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
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3 NANCY A. KAISER
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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. 5243

12 **DEBBIE RENEE CLARK**
13 **aka LISA LEEPER**
14 **aka KIM CONLEY**

STATEMENT OF ISSUES

15 Pharmacy Technician Registration

16 Respondent.

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 (Board).

22 2. On or about October 15, 2013, the Board received an application for a Pharmacy
23 Technician Registration from Debbie Renee Clark, also known as Lisa Leeper and Kim Conley
24 (Respondent). On or about October 3, 2013, Debbie Renee Clark certified under penalty of
25 perjury to the truthfulness of all statements, answers, and representations in the application. The
26 Board denied the application on April 17, 2014.

27 ///

28 AGO - 00005

1 “(c) Notwithstanding any other provisions of this code, a person shall not be denied a
2 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,
3 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been
4 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof
5 of the dismissal.

6 “(d) A board may deny a license regulated by this code on the ground that the applicant
7 knowingly made a false statement of fact that is required to be revealed in the application for the
8 license.”

9 5. Section 490 states, in pertinent part:

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

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

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

24 6. Section 493 states:

25 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
26 the department pursuant to law to deny an application for a license or to suspend or revoke a
27 license or otherwise take disciplinary action against a person who holds a license, upon the
28 ground that the applicant or the licensee has been convicted of a crime substantially related to the

1 qualifications, functions, and duties of the licensee in question, the record of conviction of the
2 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
3 and the board may inquire into the circumstances surrounding the commission of the crime in
4 order to fix the degree of discipline or to determine if the conviction is substantially related to the
5 qualifications, functions, and duties of the licensee in question. As used in this section, 'license'
6 includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

7 7. Section 4300 provides in pertinent part, that every license issued by the Board is
8 subject to discipline, including suspension or revocation.

9 8. Section 4301 states, in pertinent part:

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

13

14 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
15 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
16 whether the act is a felony or misdemeanor or not.

17 "(g) Knowingly making or signing any certificate or other document that falsely
18 represents the existence or nonexistence of a state of facts.

19

20 "(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
23 substances or of a violation of the statutes of this state regulating controlled substances or
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
26 The board may inquire into the circumstances surrounding the commission of the crime, in order
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment.

9

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

11 **REGULATORY PROVISIONS**

12 9. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

19 **FIRST CAUSE FOR DENIAL OF APPLICATION**

20 **(Convictions of Crimes)**

21 10. Respondent is subject to disciplinary action under section 480, subdivision (a)(1), in
22 that Respondent was convicted of crimes, as follows:

23 a. On or about November 3, 2008, after pleading guilty, Respondent was convicted of
24 one felony count of violating Penal Code section 487, subdivision (a) [grand theft] in the criminal
25 proceeding entitled *The People of the State of California v. Debbie Renee Clark* (Super. Ct. Los
26 Angeles County, 2008, No. YA073284). The circumstances underlying the conviction are that on
27 or about, October 16, 2008, Respondent entered JC Penney's located at 21840 Hawthorne Blvd,
28 with a baby stroller, and a child inside. Respondent selected several items of merchandise,

1 concealed them inside the stroller, behind her child, and exited the store without paying for the
2 merchandise. The Court sentenced Respondent to serve 365 days in Los Angeles County Jail and
3 placed her on three (3) years formal probation, with terms and conditions. On or about October
4 24, 2011, the conviction was dismissed pursuant to Penal Code section 1203.4.

5 b. On or about October 23, 2008, Respondent was convicted of one misdemeanor count
6 of violating Penal Code section 853.7 [failure to appear on a written promise] in the criminal
7 proceeding entitled *The People of the State of California v. Debra Renee Clark* (Super. Ct. Los
8 Angeles County, 2008, No. SD638762). The circumstances underlying the conviction are that
9 Respondent was found to have violated her written promise to appear at Compton Superior Court,
10 at 8:00 a.m., on or before January 4, 2008, which she made on or about November 1, 2007, when
11 she was cited for fare evasion in violation of Penal Code section 640(b), a misdemeanor.
12 Respondent was ordered to pay a fine.

13 c. On or about August 1, 2003, Respondent was convicted of one misdemeanor count of
14 violating Penal Code section 853.7 [failure to appear after a written promise] in the criminal
15 proceeding entitled *The People of the State of California v. Debbie Renee Clark* (Super. Ct. Los
16 Angeles County, 2003, No. SD14188719). The circumstances underlying the conviction are that
17 Respondent was found to have violated her written promise to appear at Compton Superior Court,
18 at 8:00 a.m., on or before April 29, 2002, which she made on or about March 1, 2002, when she
19 was cited for fare evasion in violation of Penal Code section 640(b), a misdemeanor. Respondent
20 was ordered to pay a fine.

21 d. On or about October 16, 2003, after pleading nolo contendere, Respondent was
22 convicted of one felony count of violating Penal Code section 470, subdivision (d) [false
23 checks/records/ certificates] in the criminal proceeding entitled *The People of the State of*
24 *California v. Debbie Renee Clark* (Super. Ct. Los Angeles County, 2003, No. NA057919). The
25 circumstances underlying the conviction are that on or about July 28, 2003, Respondent handed
26 the clerk at a Coast Liquor Locker store a check in exchange for US Currency. The check was
27 made out to Respondent for \$2,330. The check appeared to be a Bank of America check. The
28 clerk cashed the check for the Respondent. Subsequently, the check was returned to the store with

1 a red stamp, "Account Not Found." The Court sentenced Respondent to serve 365 days in Los
2 Angeles County Jail and placed her on 36 months probation. On or about July 3, 2013, the
3 conviction was dismissed pursuant to Penal Code section 1203.4.

4 e. On or about November 8, 2000, after pleading guilty, Respondent was convicted of one
5 felony count of violating Penal Code section 476, subdivision (a) [nonsufficient fund single
6 check], in the criminal proceeding entitled *The People of the State of California v. Debbie Renee*
7 *Clark* (Super. Ct. Los Angeles County, 2000, No. VA062286). The circumstances underlying the
8 conviction are that on or about October 30, 2000, Respondent unlawfully, and fraudulently made,
9 drew, uttered, and delivered to Carimar, a bank, person, firm, or a corporation, a check and draft
10 for the payment of money in the sum of \$191.50, drawn upon Wells Fargo, a bank, knowing at
11 the time of making, drawing, or delivering the check that she did not have sufficient funds in, or
12 credit with, said bank for the payment of that check in full upon its presentation; Respondent at
13 all said times had the intent to cheat and defraud Wells Fargo and Carimar. The Court sentenced
14 Respondent to serve 90 days in Los Angeles County Jail and placed her on 36 months formal
15 probation, with terms and conditions. On or about June 18, 2013, the conviction was dismissed
16 pursuant to Penal Code section 1203.4.

17 f. On or about November 3, 2000, after pleading nolo contendere, Respondent was
18 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (b)(3)
19 [grand theft by a servant] in the criminal proceeding entitled *The People of the State of California*
20 *v. Debbie Renee Clark* (Super. Ct. Los Angeles County, 2000, No. OCR27528). The
21 circumstances underlying the conviction are that on or about December 2, 1999, Respondent,
22 took, stole or carried away, money, labor, real or personal property, from her employer, Long's
23 Drugs store, in an amount of at least \$950.00, in a 12-month consecutive period. The Court
24 sentenced Respondent to serve 60 days in Los Angeles County Jail and placed her on 36 months
25 probation, with terms and conditions. On or about May 19, 2014, the conviction was dismissed
26 pursuant to Penal Code section 1203.4.

27 g. On or about November 17, 1999, after pleading nolo contendere, Respondent was
28 convicted of one misdemeanor count of violating Penal Code section 476, subdivision (a)

1 [insufficient funds], in the criminal proceeding entitled *The People of the State of California v.*
2 *Debbie Renee Clark* (Super. Ct. Los Angeles County, 1999, No. 7LM00208). The circumstances
3 underlying the conviction are that on or about January 29, 1996, Respondent willfully, with
4 intent to defraud, made, drew upon or delivered a check upon Long Beach City College
5 Bookstore for the payment of money in the total sum of \$742.61, drawn upon a bank, to wit:
6 Great Western Bank, knowing at the time of such making, drawing, or delivering that she did not
7 have sufficient funds in, or credit with, the bank for the payment of that check in full upon its
8 presentation; Respondent at all said times had the intent to cheat and defraud Great Western
9 Bank. The Court placed Respondent on three (3) years probation and ordered her to pay fines and
10 restitution.

11 h. On or about November 2, 2000, Respondent admitted to violating probation in open
12 court and probation was revoked and reinstated on same terms and conditions with the
13 modification of ordering Respondent to serve ten (10) days in county jail. Respondent also
14 stipulated to paying \$742.61 in restitution to Washington Mutual Bank. On or about July 30,
15 2003, Respondent admitted to violating her probation in open court. Respondent had tried to cash
16 a bad check. The Court revoked and reinstated Respondent's probation on the same terms and
17 conditions with the modification of ordering Respondent to pay restitution in the amount of
18 \$742.51 to victim restitution. On or about February 24, 2004, during a restitution hearing, the
19 Court extended Respondent's probation for an additional five (5) years. On or about October 24,
20 2008, Respondent admitted to violating her probation in open court. The Court revoked and
21 reinstated Respondent's probation on the same terms and conditions with the modification of
22 ordering Respondent to serve eight (8) days in county jail.

23 i. On or about August 13, 1996, after pleading nolo contendere, Respondent was
24 convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand
25 theft] in the criminal proceeding entitled *The People of the State of California v. Debbie Renee*
26 *Clark* (Super. Ct. Los Angeles County, 1996, No. 6CR20549). The circumstances underlying the
27 conviction are that on or about August 10, 1996, Respondent stole, took, or carried away, money,
28 labor, real or personal property from Robinsons May store, while working as an employee of the

1 store. The Court sentenced Respondent to serve 30 days in Los Angeles County Jail and placed
2 her on 24 months probation, with terms and conditions. On or about May 19, 2014, the conviction
3 was dismissed pursuant to Penal Code section 1203.4.

4 **SECOND CAUSE FOR DENIAL OF APPLICATION**

5 **(Acts Involving Dishonesty, Fraud, or Deceit)**

6 11. Respondent is subject to disciplinary action under section 480, subdivision (a)(2), in
7 that Respondent committed acts involving dishonesty, fraud, or deceit, with the intent to
8 substantially benefit herself or substantially injure another. Complainant refers to, and by this
9 reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) through
10 (i), inclusive, as though set forth fully.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Knowingly Making a False Statement of Fact)**

13 12. Respondent is subject to disciplinary action under sections 480, subdivision (c), in
14 that Respondent knowingly made a false statement of fact by failing to disclose her November 17,
15 1999, October 24, 2003, and November 19, 2008, convictions on her application for licensure.
16 Complainant refers to, and by this reference incorporates, the allegations set forth above in
17 paragraph 10, subparagraphs (a), (c) and (g), inclusive, as though set forth fully. In addition,
18 Respondent signed and certified under the penalty of perjury, under the laws of the State of
19 California, that the foregoing was true and correct and her application for licensure.

20 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

21 **(Acts Warranting Denial of Licensure)**

22 13. Respondent's application is subject to denial under sections 4301, subdivision (p) and
23 480, subdivisions (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a
24 licentiate of the business and profession in question, would be grounds for suspension or
25 revocation of her license as follows:

26 a. Respondent was convicted of a crime substantially related to the qualifications,
27 functions, or duties of a pharmacy technician which to a substantial degree evidence her present
28 or potential unfitness to perform the functions authorized by her license in a manner consistent

1 with the public health, safety, or welfare, in violation of sections 4301, subdivision (l) and 490, in
2 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,
3 and by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs
4 (a) through (h), inclusive, as though set forth fully.

5 b. Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit,
6 with the intent to substantially benefit herself or substantially injure another, in violation of
7 section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the
8 allegations set forth above in paragraph 10 and 11, inclusive, as though set forth fully.

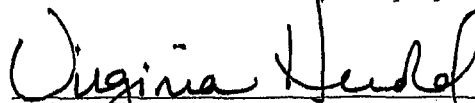
9 c. Respondent knowingly made a false statement of fact by failing to disclose her
10 November 17, 1999, October 24, 2003, and November 19, 2008 conviction cases against her on
11 her application for licensure, in violation of section 4301, section (g). Complainant refers to, and
12 by this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a),
13 (c), and (g) and 12, inclusive, as though set forth fully.

14 PRAYER

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

- 17 1. Denying the application of Debbie Renee Clark, also known as Lisa Leeper, also
18 known as Kim Conley for a Pharmacy Technician Registration; and
19 2. Taking such other and further action as deemed necessary and proper.

20 DATED: 4/24/15



21 VIRGINIA HEROLD
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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