

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

In the Matter of the Statement of Issues  
Against:

ANDREW MITCHELL PEREZ

Respondent.

Case No. 5284

OAH No. 2015040568

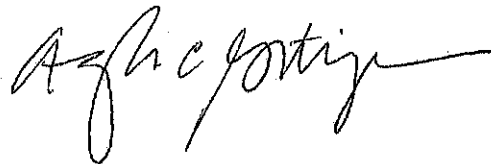
**DECISION AND ORDER**

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 October 26, 2015.

It is so ORDERED on September 24, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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

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Against:

ANDREW MITCHELL PEREZ,

Respondent.

Case No. 5284

OAH No. 2015040468

**PROPOSED DECISION**

Irina Tentser, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on August 3, 2015, at Los Angeles, California.

William D. Gardner, Deputy Attorney General, represented Executive Officer Virginia Herold (Complainant) of the Board of Pharmacy (Board).

Andrew Mitchell Perez (Respondent) was present and represented himself.

The Board denied Respondent's application for registration as a Pharmacy Technician based on allegations that Respondent suffered four convictions of substantially related crimes, namely, three misdemeanor convictions for driving under the influence and one misdemeanor conviction for vandalism. Respondent contended he was entitled to registration as a Pharmacy Technician, and submitted evidence in that regard.

At hearing, Complainant made a motion to amend the Statement of Issues, marked as Exhibit 1, as follows: 1) "3401" at p. AG0006, line 8, was amended to "4301," 2) "3401" at p. AG0007, line 27, was amended to "4301," and 3) "3401" at p. AG0008, line 6 to be amended to "4301." Respondent did not object to Complainant's motion to amend and the motion was granted. Respondent then made a motion to continue the hearing based on Respondent's mistaken belief that the hearing was scheduled for a later date in August 2015. Respondent's motion was denied by the Administrative Law Judge based on a lack of good cause for the continuance request.

Oral and documentary evidence was received. The record was left open for Respondent to submit three character reference letters by August 10, 2015, with Complainant's response to Respondent's additional evidence due no later than August 17, 2015. Respondent did not submit any additional evidence by August 10, 2015.

The record was closed and the matter was submitted on August 17, 2015.

## FACTUAL FINDINGS

1. Respondent filed an application for registration as a Pharmacy Technician with the Board on October 15, 2013. On May 29, 2014, the Board denied Respondent's application based on Respondent's four misdemeanor convictions, as described below.

2. On June 6, 2014, Respondent filed an appeal of the Board's denial of his application.

3. On April 9, 2015, Virginia Herold filed a Statement of Issues in this matter in her official capacity as the Executive Officer of the Board, an agency within the Department of Consumer Affairs. This hearing ensued.

### *Respondent's Convictions*

4. On February 1, 2007, Respondent pled nolo contendere and was convicted of one misdemeanor count of violating Penal Code section 594, subdivision (a) (vandalism), (*The State of California v. Andrew Mitchell Perez* (Superior Court of the State of California, Los Angeles County, Case No. 7CP00762).) Respondent was sentenced to five days in the Los Angeles County Jail and placed on summary probation for a period of 36 months by the court

5. Neither party offered evidence of the facts and circumstances underlying the conviction described in Factual Finding 4.

6. On February 28, 2011, Respondent pled nolo contendere and was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) (driving while having 0.08% or more, by weight of alcohol, in his blood) (*The State of California v. Andrew Mitchell Perez* (Superior Court of the State of California, Los Angeles County, Case No. 1DY00465).) Respondent was placed on summary probation for 36 months and ordered to pay a fine of \$390 by the court.

7. Neither party offered evidence of the facts and circumstances underlying the conviction described in Factual Finding 6.

8. a. On June 30, 2011, Respondent pled nolo contendere and was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs) and one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a) (driving while driving privileges are suspended or revoked with knowledge.) Respondent was sentenced to 16 days in the Los Angeles County Jail, placed on summary probation for 48 months, and ordered to pay fines, attorneys' fees,

and restitution by the court. He was also ordered to enroll, participate in, and successfully complete, an 18-month licensed second-offender alcohol and other drug education and counseling program (SB-38.)

b. The underlying facts and circumstances of Respondent's June 30, 2011 conviction are that on April 26, 2011, Downey Police Department officers observed signs of intoxication by Respondent during a routine traffic stop. Consequently, officers administered a Field Sobriety Test (FST) to Respondent which he failed. Respondent was then placed under arrest.

c. At the time of his arrest, Respondent's driver's license was suspended due to his February 28, 2011 conviction for driving under the influence of alcohol.

9. a. Respondent did not comply with the terms of his probation stemming from his June 30, 2011 conviction. Specifically, Respondent failed to enroll in and complete an SB-38 program. After revoking and reinstating Respondent's probation multiple times, the court imposed additional probation terms, including the requirement that Respondent enroll in and complete a Mothers Against Drunk Driving (MADD) program.

b. Respondent continued to fail to comply with the terms of his probation, again resulting in the court revoking his probation. Respondent did not enroll in an SB-38 and MADD program until July 2014, after his third driving under the influence conviction on December 3, 2013, as described in Factual Findings 10 and 11.

10. a. On December 3, 2013, Respondent pled nolo contendere and was convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) (driving under the influence of alcohol or drugs) and one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a) (driving while driving privileges is suspended or revoked with knowledge.) Respondent was sentenced to 120 days in the Los Angeles County Jail, placed on probation for 60 months, and ordered to pay fines, attorneys' fees, and restitution by the court. He was also ordered to enroll, participate in, and successfully complete, a 30-month licensed multi-offender alcohol and other drug education and counseling program (SB-1365) and the Victim Impact Program (VIP) of MADD.

b. The underlying facts and circumstances of Respondent's December 3, 2013, conviction are that on October 5, 2013, an officer observed Respondent veering back and forth between lanes on the freeway. After stopping Respondent, the officer observed signs of possible alcohol intoxication. As a result, Respondent was asked to perform an FST, which he failed. Respondent then submitted to a Preliminary Alcohol Screening (P.A.S.) test that resulted in a breath-alcohol content level of 0.127% on the first reading and 0.129% on the second reading.

c. At the time of his arrest, Respondent's driver license was suspended due to his prior convictions for driving under the influence.

11. As of the date of hearing, Respondent remains on probation from his December 3, 2013 conviction and has yet to complete the mandated SB-1365 program in which he enrolled in July 2014. According to his hearing testimony, Respondent has completed the VIP of MADD.

12. There was no evidence that Respondent's prior convictions have been expunged as of the date of the hearing. No evidence was presented at hearing regarding subsequent arrests or convictions since Respondent's 2013 conviction.

13. Respondent's multiple alcohol related convictions, as described in Factual Findings 6, 8, and 10, evidence a pattern of excessive use of alcohol by Respondent. These convictions, individually and collectively, are substantially related to the functions and duties of a pharmacy technician because licensure provides Respondent virtually unlimited access to controlled substances and the opportunity to process and deliver controlled substances with a high risk of diversion. Such access could result in adverse consequences arising out of mistakes in the handling of those substances. Further, Respondent's vandalism conviction, as described in Factual Finding 4, is substantially related to the functions and duties of a pharmacy technician because it evidences a reckless disregard for public health, safety, and welfare.

*Matters in Aggravation, Mitigation, Rehabilitation*

14. At hearing, Respondent testified that he did not understand that driving under the influence was a serious offense until 2013, when he suffered his third conviction. He deflected responsibility for his lack of comprehension by asserting the public defender assigned to represent him in the second DUI case did not explain the seriousness of the charges against him. Respondent believes that he has paid his dues for his crimes and that his convictions are unrelated to his desire to obtain a pharmacy technician registration. When asked whether he believed he had a drinking problem, Respondent testified that he was not an alcoholic and did not have an urge to drink now that he was attending an alcohol treatment program twice a week, as mandated by his probation.

15. Respondent resides with his girlfriend and is self-employed as a handyman. He received an associate degree from Long Beach Community College in Administration of Justice in 2007 and previously planned to become a police officer. He is currently enrolled in computer technology classes at Long Beach Community College.

16. Respondent successfully completed his Pharmacy Technician training course at Downey Adult School in December 2012. He completed his pharmacy technician internship at a Walgreens pharmacy. Respondent testified that he would not have pursued a pharmacy technician registration if he had known that his convictions could be a basis to deny his registration application by the Board.

17. No other evidence was provided in explanation, mitigation or rehabilitation.

## LEGAL CONCLUSIONS

1. Business and Professions Code<sup>1</sup> section 4300 authorizes the Board to refuse an applicant's application for registration as a Pharmacy Technician. After refusal of the application, the burden of proof is on the license applicant to show that he or she is qualified to hold the license. To prevail in this matter, Respondent must demonstrate by a preponderance of the evidence that he is entitled to a Pharmacy Technician license. (Evid. Code, §§ 115, 500.)

2. A preponderance of the evidence establishes that the existence of a factual matter is more likely than not. As one court explained, "Preponderance of the evidence" means evidence that has more convincing force than that opposed to it. If the evidence is so evenly balanced that you are unable to say that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it." (*People v. Mabini* (2000) 92 Cal.App.4th 654, 663.)

3. Section 480, subdivision (a), addresses the Board's authority to deny a license application. It states:

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

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially benefit himself or herself or another, or substantially injure another.

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

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

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<sup>1</sup> All further statutory references are to the Business and Professions Code unless otherwise indicated.

(b) Notwithstanding any other provision of this code, a person shall not be denied a license solely on the basis that he or she has been convicted of a felony if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate the rehabilitation of a person when considering the denial of a license under subdivision (a) of Section 482.

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

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

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

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

6. Section 4301 states, in pertinent part:

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:

[¶] . . . [¶]

(1) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . 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 a 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.

[¶] . . . [¶]

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

[¶] . . . [¶]

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

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

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

8. Cause exists to deny Respondent's application for registration under section 480, subdivision (a)(1), in that Respondent was convicted of substantially related crimes, as set forth in Factual Findings 4 through 13 and Legal Conclusions 3 and 7.

9. Cause exists to deny Respondent's application under sections 480, subdivisions (a)(3)(A) and (a)(3)(B), 490, and 4301, subdivision (p), in that Respondent did an act which, if done by a Board licensee, would constitute cause for discipline, namely, he suffered convictions, as set forth in Factual Findings 4 through 13 and Legal Conclusions 3, 4, 6, and 7.

10. The Board enacted a regulation • Title 16, California Code of Regulations, section 1769 • which sets forth certain criteria that should be considered in evaluating the rehabilitation of an applicant and his or her present eligibility for registration. These criteria include: (1) The nature and severity of the acts or offenses under consideration; (2) evidence



of any acts committed subsequent to the acts or crimes under consideration; (3) the time that has elapsed since commission of such acts or crimes; (4) whether the applicant complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant; and (5) evidence, if any, of rehabilitation submitted by the applicant.

11. Applying the rehabilitation criteria, Respondent has not demonstrated rehabilitation. Specifically, Respondent, beginning four years ago, suffered three misdemeanor convictions that were related to or arose out of his excessive use of alcohol, and was not compliant with terms and conditions of probation imposed after his first two DUI convictions. Additionally, Respondent, as of the date of hearing, remains on probation as a result of his 2013 DUI conviction. Moreover, at hearing, Respondent blamed his attorney for his multiple offenses and minimized his excessive use of alcohol. Aside from his enrollment in a court mandated alcohol treatment program, Respondent presented no credible evidence demonstrating his efforts to rehabilitate himself.

12. Given the pattern of alcohol-related convictions and Respondent's inability or unwillingness to comply with the terms and conditions of criminal probation, and the absence of independent evidence to establish that Respondent has taken any steps to confront and manage an obvious problem with alcohol, public interest requires that Respondent's application for licensure be denied.

#### ORDER

The application of Respondent Andrew Mitchell Perez for a registration to act as a Pharmacy Technician is denied.

DATED: August 27, 2015

DocuSigned by:  
*Irina Tentser*  
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Irina Tentser  
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  
12 Against:

Case No. 5284

**STATEMENT OF ISSUES**

13 **ANDREW MITCHELL PEREZ**

14 **Pharmacy Technician Registration**  
15 **Applicant**

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 2. On or about October 15, 2013, the Board of Pharmacy (Board) received an  
22 application for a Pharmacy Technician Registration from Andrew Mitchell Perez (Respondent).

23 On or about September 25, 2013, Andrew Mitchell Perez 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 May 29, 2014.

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**JURISDICTION**

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

**STATUTORY PROVISIONS**

4. Section 4300, subdivision (c), states, in pertinent part, that "[t]he board may refuse a license to any applicant guilty of unprofessional conduct."

5. Section 4301 provides, in pertinent part:

"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.

....

**REGULATORY PROVISIONS**

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

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a

1 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
2 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
3 licensee or registrant to perform the functions authorized by his license or registration in a manner  
4 consistent with the public health, safety, or welfare."

5 **FIRST CAUSE FOR DENIAL OF APPLICATION**

6 **(Substantially-Related Criminal Conviction)**

7 7. Respondent's application is subject to denial under section 4300, subdivision (c), in  
8 conjunction with section 3401, subdivision (l), and California Code of Regulations, title 16,  
9 section 1770, in that Respondent was convicted of a crime substantially related to the  
10 qualifications, functions, and duties of a pharmacy technician. The circumstances are as follows:

11 a. On or about December 3, 2013, in the criminal proceeding entitled *The State of*  
12 *California v. Andrew Mitchell Perez* (Super. Ct. Los Angeles County, 2013, No. 3DY07357),  
13 Respondent entered a plea of nolo contendere and was convicted of one misdemeanor count of  
14 violating Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or  
15 drugs] and one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a)  
16 [driving while driving privilege is suspended or revoked with knowledge]. Respondent was  
17 sentenced to 120 days in the Los Angeles County Jail and placed on probation for a period of 60  
18 months. The circumstances surrounding the conviction are that Respondent was stopped by the  
19 California Highway Patrol on or about October 5, 2013, after an officer observed Respondent  
20 veering back and forth between lanes on the 605 Freeway. While speaking to Respondent, the  
21 officer observed signs of possible alcohol intoxication. Respondent was asked to perform a Field  
22 Sobriety Test (FST) which he failed. Respondent then submitted to a Preliminary Alcohol  
23 Screening (P.A.S.) test that resulted in a breath-alcohol content level of 0.127% on the first  
24 reading and 0.129% on the second reading. At the time of his arrest, Respondent's driver license  
25 was suspended due to a prior conviction for driving under the influence of alcohol.

26 b. On or about June 30, 2011, in the criminal proceeding entitled *The State of California*  
27 *v. Andrew Mitchell Perez* (Super. Ct. Los Angeles County, 2011, No. 1DY03206), Respondent  
28 entered a plea of nolo contendere and was convicted of one misdemeanor count of violating

1 Vehicle Code section 23152, subdivision (a) [driving under the influence of alcohol or drugs] and  
2 one misdemeanor count of violating Vehicle Code section 14601.2, subdivision (a) [driving while  
3 driving privilege is suspended or revoked with knowledge]. Respondent was sentenced to 16  
4 days in the Los Angeles County Jail and placed probation for a period of 48 months. The  
5 circumstances surrounding the conviction are that during a routine traffic stop by the Downey  
6 Police Department on or about April 26, 2011, Respondent exhibited signs of alcohol  
7 intoxication. Respondent was asked to perform a Field Sobriety Test (FST) which he failed.  
8 Respondent refused to submit to an alcohol screening. At the time of his arrest, Respondent's  
9 driver license was suspended due to a prior conviction for driving under the influence of alcohol.

10 c. On or about February 28, 2011, in the criminal proceeding entitled *The State of California v.*  
11 *Andrew Mitchell Perez* (Super. Ct. Los Angeles County, 2011, No. 1DY00465), Respondent  
12 entered a plea of nolo contendere and was convicted of one misdemeanor count of violating  
13 Vehicle Code section 23152, subdivision (b) [driving while having 0.08% or more, by weight of  
14 alcohol, in his blood]. Respondent was placed on probation for a period of 36 months. The  
15 circumstances surrounding the conviction are that on or about November 25, 2010, Respondent  
16 was arrested for driving under the influence of alcohol.

17 d. On or about February 1, 2007, in the criminal proceeding entitled *The State of*  
18 *California v. Andrew Mitchell Perez* (Super. Ct. L.A. County, 2007, No. 7CP00762), Respondent  
19 entered a plea of nolo contendere and was convicted of one misdemeanor count of violating Penal  
20 Code section 594, subdivision (a) [vandalism]. Respondent was sentenced to 5 days in the Los  
21 Angeles County Jail and placed probation for a period of 36 months. The circumstances  
22 surrounding the conviction are that on or about January 30, 2007, Respondent maliciously  
23 defaced, damaged or destroyed the personal or real property of another.

24 **SECOND CAUSE FOR DENIAL OF APPLICATION**

25 **(Alcohol-Related Convictions)**

26 8. Respondent's application is subject to denial under section 4300, subdivision (c), in  
27 conjunction with section 3401, subdivision (k), in that Respondent was convicted of more than  
28 one misdemeanor involving the consumption of alcoholic beverages. Complainant refers to, and

1 by this reference incorporates, the allegations set forth above in paragraph 7, subparagraphs a - c,  
2 as though set forth fully herein.

3 **THIRD CAUSE FOR DENIAL OF APPLICATION**

4 **(Dangerous Use of Alcohol)**

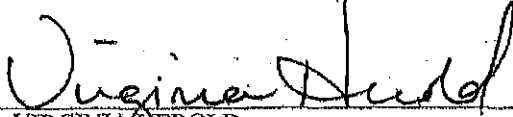
5 9. Respondent's application is subject to denial under section 4300, subdivision (c), in  
6 conjunction with section 3401, subdivision (h), in that Respondent used alcoholic beverages to  
7 the extent and/or in a manner dangerous or injurious to himself and others. Complainant refers to,  
8 and by this reference incorporates, the allegations set forth above in paragraph 7, subparagraphs a  
9 - c, as though set forth fully herein.

10 **PRAYER**

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

- 13 1. Denying the application of Andrew Mitchell Perez for a Pharmacy Technician  
14 Registration; and  
15 2. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: 2/10/15

  
18 VIRGINIA FERROL  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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