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

In the Matter of the Statement of Issues
Against:
RACHEL MICHELE CONOVER
aka RACHEL GUZMAN
aka RACHEL SHEPARD

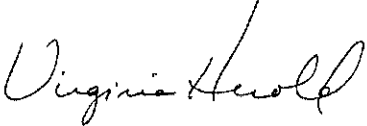
Case No. 5342

**WITHDRAWAL OF STATEMENT OF
ISSUES**

Applicant for Pharmacist License

Respondent.

The Statement of Issues No. 5342 against Rachel Michelle Conover (Respondent) is withdrawn without prejudice. Respondent has withdrawn the request for a hearing regarding the denial of the application for a pharmacist licensure and examination. The denial of the application is affirmed.



DATED: 5/18/2015

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

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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues Against:

Case No. 5342

11 **RACHEL MICHELLE CONOVER**
12 **aka RACHEL GUZMAN**
13 **aka RACHEL SHEPARD**

STATEMENT OF ISSUES

14 **Applicant for Pharmacist License**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about April 16, 2014, the Board of Pharmacy, Department of Consumer Affairs
21 received a (Retake) Application for Pharmacist Licensure and Examination from Rachel Michelle
22 Conover aka Rachel Guzman aka Rachel Shepard (Respondent). On or about April 14, 2014,
23 Respondent certified under penalty of perjury the truthfulness of all statements, answers, and
24 representations in the application. The Board denied the application on September 19, 2014.

25 JURISDICTION

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

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

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

8 FIRST CAUSE FOR DENIAL OF APPLICATION

9 (Conviction of Substantially Related Crime(s))

10 8. Respondent's application is subject to denial under the following section(s) of the
11 Code: 480(a)(1); 480(a)(3) by reference to 4301(l); and/or 4300(c) by reference to 4301(l) and
12 California Code of Regulations, title 16, section 1770, for conviction of a substantially related
13 crime, in that on or about April 15, 2014, in the criminal case *People v. Rachel Michelle Conover*,
14 Case No. C1478097 in Santa Clara County Superior Court, Respondent was convicted of
15 violating Vehicle Code section 23152, subdivision (b) (Driving With Blood Alcohol of 0.08% or
16 More), a misdemeanor. The conviction was entered as follows:

17 a. On or about October 1, 2013, a car driven by Respondent was involved in a
18 multi-vehicle accident in San Jose, California. Responding officer(s) from the San Jose Police
19 Department detected the odor of alcohol on Respondent, and she admitted to consuming alcohol.
20 A blood sample taken from Respondent subsequently reported a blood alcohol value of 0.15%.
21 Respondent was placed under arrest for driving under the influence, and causing injury.

22 b. On or about March 6, 2014, in *People v. Rachel Michelle Conover*, Case No.
23 C1478097 in Santa Clara County Superior Court, Respondent was charged with violating (1)
24 Vehicle Code section 23152, subdivision (a) (Driving Under the Influence of Alcohol), a
25 misdemeanor, and (2) Vehicle Code section 23152, subdivision (b) (Driving With Blood Alcohol
26 Level of 0.08% or Higher), a misdemeanor, with special allegations under each count of having a
27 blood alcohol level of 0.15% or more within the meaning of Vehicle Code section 23578.

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1 c. On or about April 15, 2014, Respondent pleaded nolo contendere to count 2.
2 Count 1 was dismissed pursuant to the plea. Imposition of sentence was suspended and
3 Respondent was placed on court probation for three (3) years, on terms and conditions including
4 30 days in jail (1 day CTS), a 3-month First Offender Program, and payment of fines and fees.

5 SECOND CAUSE FOR DENIAL OF APPLICATION

6 (Dangerous or Injurious Use of Alcohol/Drug)

7 9. Respondent's application is subject to denial under the following section(s) of the
8 Code: 480(a)(3) by reference to 4301(h); and/or 4300(c) by reference to 4301(h), in that, as
9 described in paragraph 8 above, Respondent made dangerous or injurious use of alcohol.

10 THIRD CAUSE FOR DENIAL OF APPLICATION

11 (Unprofessional Conduct)

12 10. Respondent's application is subject to denial under the following section(s) of the
13 Code: 480(a)(3) by reference to 4301; and/or 4300(c) by reference to 4301, in that, as described
14 in paragraphs 8 and/or 9 above, Respondent engaged in unprofessional conduct.

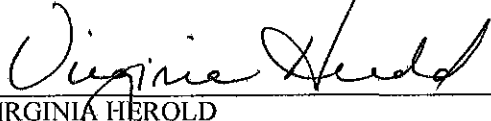
15 PRAYER

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

18 1. Denying the application of Rachel Michelle Conover aka Rachel Guzman aka Rachel
19 Shepard for a Pharmacist License;

20 2. Taking such other and further action as is deemed necessary and proper.

21 DATED: 2/23/15

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

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