

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

In the Matter of the Statement of Issues
Against:

TANESHIA NICOLE COLEMAN, aka
TANESHIA BOBBLER,

Respondent.

Case No. 5537

OAH No. 2016020456

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 at 5:00 p.m. on June 17, 2016.

It is so ORDERED on May 18, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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PROPOSED DECISION

Administrative Law Judge Ralph B. Dash heard this matter on April 7, 2016, in Los Angeles, California.

Leslie A. Walden, Deputy Attorney General, represented Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy (Board).

Taneshia Nicole Coleman, aka Taneshia Bobbler¹ (Respondent) represented herself.

Oral and documentary evidence having been received and the matter having been submitted, the Administrative Law Judge makes the following Proposed Decision.

FACTUAL FINDINGS

1. Complainant made the Statement of Issues in her official capacity.
2. Respondent filed her application, dated March 25, 2014, with the Board for licensure as a pharmacy technician. The application was denied and this hearing ensued.
3. On her application, Respondent failed to disclose, although required to do so, that she had been convicted of the following crimes:
 - a. On October 11, 2011, in the Superior Court of the State of California, County of San Bernardino, case number TVA 1100864, Respondent was convicted on her nolo contendere plea to one count of violating Vehicle Code 23152, subdivision (b), driving with a blood alcohol content of 0.08 percent or higher, a misdemeanor. The court withheld

¹ Respondent suffered a criminal conviction under each of these names.

pronouncement of judgment and placed Respondent on summary probation for 36 months on terms and conditions including that she pay fines and assessments of \$1,840, that, because her blood alcohol content was 0.20 percent or higher, she enroll in and complete a nine-month county approved alcohol program, that she spend 45 days in the County Jail being eligible for the weekender/work release program, and that she install an interlock ignition device on her vehicle for two years. The facts and circumstances of the crime are that on May 29, 2011, officers were summoned to a traffic accident and on arrival found Respondent outside of her vehicle, lying on the ground. One officer noted that Respondent had a strong odor of alcohol emanating from her, that she had red watery eyes, and that her speech was very slurred. Respondent was transported to a hospital. Two blood samples were taken, one for alcohol and one for a toxicology screen. The latter showed that she had cannabinoids and benzodiazepines in her system, but not that she was under the influence of them.

b. On June 5, 2008, in the Superior Court of the State of California, County of San Bernardino, Respondent was convicted on her nolo contendere plea to one count of violating Penal Code section 273a, subdivision (a) (child endangerment, a felony reduced to a misdemeanor pursuant to a plea bargain), and one count of violating Vehicle Code section 23152, subdivision (b), driving with a blood alcohol content of 0.08 percent or higher. The court withheld pronouncement of judgment and placed Respondent on probation for 36 months on condition that she pay fines and fees totaling \$130, that she attend an alcohol program for four months, that she attend and complete a parenting course, and that she serve 30 days in the County Jail, with credit for four days served. The jail time was increased to 36 days with credit for 8 days served due to her failure, on two occasions, to report to the jail in a timely fashion. The facts and circumstances of the crime are that Respondent, with her two children, a nine-month old baby and a 13-year old girl in the car, was driving erratically and was observed by the arresting officer to have run at least two stop signs. Respondent failed the field sobriety tests for balance and had two breathalyzer readings of 0.13 percent each. On June 24, 2011, the court entered its order under Penal Code section 1203.4 whereby Respondent's nolo contendere plea was vacated, a plea of not guilty was entered, and the criminal complaint was dismissed conditioned upon Respondent's payment of a \$120 fine. The court docket, which was printed on October 3, 2014, did not show that Respondent had paid the \$120 fine as of that date.

4. On her application (Exhibit 2) Respondent answered "no" to the question which asked, "Have you ever been convicted of any crime . . . 'Conviction' includes a plea of no contest and any conviction that has been set aside . . . pursuant to Section 1203.4 of the Penal Code, including infractions, misdemeanors, and felonies. You do not need to report an infraction with a fine less than \$300 unless the infraction involved alcohol" Respondent's excuses for her failure to disclose the convictions set forth in Finding 3 were that she "did not read the question very thoroughly" and her teacher told her "if a crime has been reduced to a misdemeanor" it did not have to be disclosed. Respondent's excuses are given little weight.

5. Respondent claims she has been sober "since the end of 2011" but could not give a specific sobriety date. She is "now in an 18-month DUI plan" but gave no description of what that plan entails. Apparently, she has not completed her probation for her 2011

conviction as she testified she is “still doing classes on [her] second DUI.” Respondent is active in her children’s education. She is a member of the PTA and has done volunteer secretarial work for it. She testified that she is a counselor in a drug program she attends. Respondent supports herself and her children by providing in-home supportive services for her mother for which she is paid by the county. She also does hair braiding. Respondent has “always dreamed of being a pharmacist.” She “wants to give back to society” and she likes working with and helping people. She keeps herself occupied by reading, drawing and “smoking like crazy.” Respondent offered no witnesses or documentary evidence to support her claim of rehabilitation.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4038 defines “pharmacy technician” as “an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties as specified in section 4115.”

2. Business and Professions Code section 4115 sets forth various tasks which a pharmacy technician may perform. For example, subdivision (a) provides “a pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of, a pharmacist.” The duties a pharmacy technician may perform are further subject to regulation.²

3. Business and Professions Code section 4115, subdivision (e) provides:

“No person shall act as a pharmacy technician without first being registered with the board as a pharmacy technician as set forth in Section 4202.”

4. The rules and regulations related to registered pharmacy technicians do not allow a pharmacy technician to perform any discretionary act or any act requiring the exercise of professional judgment by a registered pharmacist. (*Californians for Safe Prescriptions v. California State Board of Pharmacy* (1993) 19 Cal.App.4th 1136, 1155-1156.)

Burden and Standard of Proof

5. In a proceeding involving the issuance of a license, the burden of proof is on the applicant to show that he or she is qualified to hold the license. The standard of proof is

² Under California Code of Regulations, title 16, section 1793.2, “Nondiscretionary tasks” as used in Business and Professions Code section 4115, include “(a) removing the drug or drugs from stock; (b) counting, pouring, or mixing pharmaceuticals; (c) placing the product into a container; (d) affixing the label or labels to the container; (e) packaging and repackaging.”

a preponderance of the evidence. (*California Administrative Hearing Practice* (Cont.Ed.Bar 2d ed. 1997) The Hearing Process, §§ 7.51-7.53, pp. 365-367 and the cases cited therein.)

Pertinent Disciplinary Statutes and Regulations

6. Business and Professions Code section 475 provides in part:

“(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of: [¶] . . . [¶]

(2) Conviction of a crime. [¶] . . . [¶]

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license . . .”

7. Business and Professions Code section 480 provides in part:

(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 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.

(b) Notwithstanding any other provision of this code, no person shall 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) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license.”

8. Business and Professions Code section 482 provides in part:

“Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when: (a) Considering the denial of a license by the board under Section 480 . . . Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.”

9. Business and Professions Code section 493 provides in part:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license . . . upon the ground that the applicant . . . has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

10. Business and Professions Code section 4301 provides in 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: [¶] . . . [¶]

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

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

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation . . . regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. . . .”

Substantial Relationship

11. Whether the requirement tying the conduct to the fitness or competence to practice a profession is termed a “nexus” or a “relationship,” the inherent meaning is the same. There must be a logical connection between the licensees’ conduct to their present fitness or competence to practice the profession or to the qualifications, functions, or duties of the profession in question. Despite the omission of an explicit requirement that there be a “substantial relationship” in a disciplinary statute, courts have concluded that the Legislature intend such a requirement. (*Clare v. California State Board of Accountancy* (1992) 10 Cal.App.4th 294, 301-303.)

12. Title 16, California Code of Regulations, section 1770 provides in part:

For the purpose of denial . . . of a personal . . . license . . . 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.

13. While there must be a nexus or logical connection between the type of misconduct that forms the basis for license discipline and an applicant or licensee’s ability to practice that profession, that nexus is established for constitutional purposes if the conduct enumerated (here the use of alcohol to the extent or in such manner as to be dangerous or injurious to the licensee or to any other person or to the public) is logically connected to an individual’s fitness to practice. A logical connection exists between multiple convictions for misdemeanors involving the consumption of alcoholic beverages and the ability to practice a health care profession. (*Watson v. Superior Court* (2009) 176 Cal.App.4th 1407, 1421.)

14. The substantial relationship between holding a pharmacy technician registration and a pattern of convictions of related to the excessive use of alcohol use is obvious – persons with such a criminal history should not be permitted to hold a position of employment that provides virtually unlimited access to controlled substances and the processing and delivery of controlled substances because of the high risk of diversion and the adverse consequences arising out of mistakes in the handling of those substances. This

relationship is amply demonstrated throughout the statutory scheme as well as the Board's disciplinary guidelines.

Rehabilitation Criteria

15. Title 16, California Code of Regulations, section 1769 provides in part:

“(a) When considering the denial of a . . . 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:

(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 . . .”

16. Rehabilitation is a state of mind and the law looks with favor upon rewarding with the opportunity to serve one who has achieved “reformation and regeneration.” (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Mere remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) The evidentiary significance of misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct. (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.)

Cause Exists to Deny the Application

17. Cause exists under Business and Professions Code sections 480, subdivisions (a)(1) and (a)(3), in conjunction with Business and Professions Code section 4301, subdivisions (k) and (l), to deny Respondent's application for registration as a pharmacy technician for her conviction of alcohol-related crimes that are substantially related to the qualifications, functions and duties of a pharmacy technician.

This conclusion is based on all factual findings and on the legal conclusions set forth herein.

18. Cause exists under Business and Professions Code sections 480, subdivisions (a)(2) and (a)(3), in conjunction with Business and Professions Code sections 4301, subdivision (f), and 480, subdivision (c), to deny Respondent's application for registration as a pharmacy technician by reason of her dishonesty and concealment by failing to disclose her convictions on her application for licensure.

This conclusion is based on all factual findings and on the legal conclusions set forth herein.

19. Cause exists under Business and Professions Code sections 480, subdivision (a)(3), in conjunction with 4301, subdivision (h), to deny Respondent's application for registration as a pharmacy technician for her unprofessional conduct by reason of her use of alcohol in a manner injurious to himself and others.

20. Given the nature of Respondent's convictions, Respondent's dishonesty in her application for licensure, and her failure to present independent evidence to establish that she has rehabilitated herself, the public interest requires that her application for licensure be denied. No evidence was introduced to justify the granting of a pharmacy technician registration, even on a probationary basis. This conclusion is based on all factual findings and on the legal conclusions set forth herein.

ORDER

The application of Taneshia Nicole Coleman, aka Taneshia Bobbler, for registration as a pharmacy technician is denied.

DATED: April 15, 2016

DocuSigned by:
Ralph B. Dash
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RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

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

11 In the Matter of the Statement of Issues
Against:

Case No. 5537

12 **TANESHIA NICOLE COLEMAN**
13 **aka TANESHIA BOBBLER**

STATEMENT OF ISSUES

14 Pharmacy Technician Registration Applicant

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about April 11, 2014, the Board received an application for a Pharmacy
23 Technician Registration from Taneshia Nicole Coleman also known as Taneshia Bobbler
24 (Respondent). On or about March 25, 2014, Respondent certified under penalty of perjury to the
25 truthfulness of all statements, answers, and representations in the application. The Board denied
26 the application on May 29, 2015.

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1 JURISDICTION

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

5 4. Section 4300, subdivision (c), states, in pertinent part:

6 "The board may refuse a license to any applicant guilty of unprofessional conduct. The
7 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
8 guilty of unprofessional conduct and who has met all other requirements for licensure. . . ."

9 5. Section 4300.1 states, in pertinent part:

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

15 STATUTORY PROVISIONS

16 6. Section 480 states, in pertinent part:

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

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

25

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

28 "(B) The board may deny a license pursuant to this subdivision only if the crime or

1 act is substantially related to the qualifications, functions, or duties of the business or profession
2 for which application is made.

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

10 "(c) Notwithstanding any other provisions of this code, a person shall not be denied a
11 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,
12 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been
13 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof
14 of the dismissal.

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

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

21 8. Section 4301 states, in pertinent part:

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

25

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

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

6

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

10 (l) The conviction of a crime substantially related to the qualifications, functions, and
11 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
13 substances or of a violation of the statutes of this state regulating controlled substances or
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
15 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
16 The board may inquire into the circumstances surrounding the commission of the crime, in order to
17 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
18 dangerous drugs, to determine if the conviction is of an offense substantially related to the
19 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
20 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
21 of this provision. The board may take action when the time for appeal has elapsed, or the
22 judgment of conviction has been affirmed on appeal or when an order granting probation is made
23 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
24 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
25 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
26 indictment."

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1 REGULATORY PROVISIONS

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

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

9 10. CONTROLLED SUBSTANCES AND/OR DANGEROUS DRUGS

10 a. "Cannabinoids," the chemical compounds that are the active principles in marijuana
11 and are Schedule I controlled substances as defined in Health and Safety Code section 11054,
12 subdivision (d)(13). Marijuana is categorized as a dangerous drug pursuant to section 4022.

13 b. "Lorazepam," a benzodiazepine derivative, is a Schedule IV controlled substance as
14 designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a
15 dangerous drug pursuant to section 4022.

16 FIRST CAUSE FOR DENIAL OF APPLICATION

17 (Conviction of a Substantially Related Crime)

18 11. Respondent's application is subject to denial under section 480, subdivision (a)(1), in
19 that Respondent has been convicted of a crime substantially related to the qualifications, functions
20 or duties of a pharmacy technician, as follows:

21 a. On or about October 11, 2011, after pleading guilty, Respondent was convicted of one
22 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while having
23 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People*
24 *of the State of California v. Taneshia Nicole Coleman* (Super. Ct. San Bernardino County, 2011,
25 No. TVA1100864). The Court sentenced Respondent to serve 45 days in jail, ordered her to
26 attend a 9-month alcohol program, and was placed on 36 months probation, with terms and
27 conditions.

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1 b. The circumstances surrounding the conviction are that on or about May 29, 2011,
2 Rialto Police officers responded to a traffic collision. When officers arrived on the scene,
3 Respondent was lying on the ground. She was observed to have red watery eyes, she had a strong
4 odor of an alcoholic beverage on her breath, and her speech was slurred. Respondent was
5 unresponsive to questions, made unintelligible statements, and was waving her arms back and forth
6 as she lay on her back. Subsequently, she was transported by paramedics to Arrowhead Regional
7 Medical Center for medical attention. While at the hospital, Respondent submitted to a blood test
8 that revealed a blood alcohol content level of 0.22%. Respondent also tested positive for
9 cannabinoids and lorazepam.

10 c. On or about June 5, 2008, after pleading guilty, Respondent was convicted of one
11 misdemeanor count of violating Penal Code section 273A, subdivision (a) [willful cruelty to child]
12 and one misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving
13 while having 0.08% or more, by weight, of alcohol in her blood] in the criminal proceeding entitled
14 *The People of the State of California v. Taneshia Nicole Coleman* (Super. Ct. San Bernardino
15 County, 2008, No. FWV801304). The Court sentenced Respondent to serve 30 days in jail,
16 ordered her to attend a first offender 4-month alcohol program, attend parenting classes, and
17 placed her on 36 months probation, with terms and conditions. On or about March 5, 2015, the
18 Court dismissed the matter pursuant to Penal Code section 1203.4.

19 d. The circumstances surrounding the conviction are that on or about May 6, 2008,
20 Respondent was stopped by an Upland Police officer. While speaking to Respondent, she
21 displayed symptoms of alcohol intoxication. She had a strong odor of an alcohol beverage, her
22 eyes were watery and bloodshot, and her speech was slurred. During the booking procedure,
23 Respondent submitted to a breath test that revealed a blood alcohol content level of 0.13% on the
24 first and second readings. Respondent's 13 year old and 9 month old daughters, who were in the
25 vehicle at the time of the stop were released to their uncle.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(Knowingly Made a False Statement of Fact)**

3 12. Respondent's application is subject to denial under section 480, subdivisions (d), in
4 that on or about May 25, 2014, Respondent knowingly made a false statement of fact by failing to
5 disclose her convictions of June 5, 2008 and October 11, 2011, on her application for a pharmacy
6 technician registration. Respondent answered "No" under penalty of perjury to question 7, which
7 states:

8 Have you ever been convicted of a crime in any state, the USA and its territories,
9 military court or foreign country?

10 Check the box next to "Yes" if you have ever been convicted or plead guilty to any
11 crime. "Conviction" includes a plea of no contest and any conviction that has been set aside order
12 deferred pursuant to Section 1000 or 1203.4 of the Penal Code, including infractions,
13 misdemeanor, and felonies. You do not need to report a conviction for an infraction with a fine of
14 less than \$300 unless the infraction involved alcohol or controlled substances. You must,
15 however, disclose any convictions in which you entered a plea on no contest and any convictions
16 that were subsequently set aside pursuant or deferred pursuant to sections 1000 or 1203.4 of the
17 Penal Code.

14 **THIRD CAUSE FOR DENIAL OF APPLICATION**

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

16 13. Respondent's application is subject to denial under section 480, subdivisions (a)(3)A)
17 and (a)(3)(B), in that Respondent committed acts which if done by a registered pharmacy
18 technician would be grounds for suspension or revocation of the license as follows:

19 a. Respondent was convicted of crimes substantially related to the qualifications,
20 functions, or duties of a pharmacy technician which to a substantial degree evidence her present or
21 potential unfitness to perform the functions authorized by the license in a manner consistent with
22 the public health, safety, or welfare, in violation of sections 4031, subdivision (l) and 490, in
23 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,
24 and by this reference incorporates, the allegations set forth above in paragraph 10, as though set
25 forth fully.

26 b. Respondent used alcoholic beverages to an extent or in a manner dangerous or
27 injurious to herself, any person, or the public, in violation of section 4301, subdivision (h).

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1 Complainant refers to, and by this reference incorporates, the allegations set forth above in
2 paragraph 10, subparagraphs (b) and (d), inclusive, as though set forth fully.

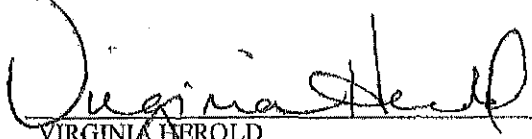
3 c. Respondent sustained more than one conviction involving the consumption of
4 alcoholic beverages, in violation of section 4301, subdivision (k). Complainant refers to, and by
5 this reference incorporates, the allegations set forth above in paragraph 10, subparagraphs (a) and
6 (c), inclusive, as though set forth fully.

7 d. Respondent was found to be under the influence of cannabinoids and benzodiazepines,
8 a controlled substance and/or dangerous drug, in violation of section 4301, subdivisions (h).
9 Complainant refers to, and by this reference incorporates, the allegations set forth above in
10 paragraph 10, subparagraph (b), as though set forth fully.

11 **PRAYER**

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

- 14 1. Denying the application of Taneshia Nicole Coleman also known as Taneshia Bobbler
15 for a Pharmacy Technician Registration;
16 2. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 12/21/15 
19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

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