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10 **BEFORE THE**
11 **BOARD OF PHARMACY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues
14 Against:

Case No. 6960

15 **DANIEL LEE BABCOCK**

STATEMENT OF ISSUES

16 **Pharmacy Technician License Applicant**

17 Respondent.
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19 **PARTIES**

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

22 2. On or about October 22, 2019, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Pharmacy Technician License from Daniel Lee Babcock
24 (Respondent). On or about October 14, 2019, Daniel Lee Babcock certified under penalty of
25 perjury to the truthfulness and accuracy of all statements, answers, and representations in the
26 application. The Board denied the application on April 3, 2020.

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1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code, which will become inoperative on July 1, 2020, states in
7 pertinent part:

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

11 (e) This section shall become inoperative on July 1, 2020, and, as of January 1,
12 2021, is repealed.

13 5. Section 480 of the Code, which will be operative on July 1, 2020, states in pertinent
14 part:

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16 (e) A board may deny a license regulated by this code on the ground that the
17 applicant knowingly made a false statement of fact that is required to be revealed in the
18 application for the license. A board shall not deny a license based solely on an applicant's
19 failure to disclose a fact that would not have been cause for denial of the license had it been
disclosed.

20 6. Code section 4300, subdivision (c), states in pertinent part:

21 The board may refuse a license to any applicant guilty of unprofessional
22 conduct. ...

23 7. Code section 4301 states in pertinent part:

24 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
25 or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of
26 the following:

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

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

1 8. California Code of Regulations, Title 16, section 1770 (CCR section 1770) states, in
2 pertinent part:

3 For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
5 Professions Code, a crime or act shall be considered substantially related to the
6 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.

7 **FIRST CAUSE FOR DENIAL OF APPLICATION**

8 (False Statement in Application)

9 9. Respondent's application is subject to denial under Code sections 480, subdivision
10 (d)¹, and 4301, subdivision (g), by and through Code section 4300, subdivision (c), in that he
11 knowingly made a false statement of fact that is required to be revealed in his application for the
12 license, as follows:

13 10. On October 14, 2019, Respondent signed an applicant affidavit under penalty of
14 perjury, certifying that he met the qualifications to be licensed as a pharmacy technician based on
15 an active and valid certificate from the Pharmacy Technician Certification Board. On October
16 22, 2019, the Board received Respondent's application, affidavit, and Certified Pharmacy
17 Technician certificate showing an expiration date of May 31, 2021. The May 31, 2021 expiration
18 date of Respondent's Certified Technician certificate was false, as the Board was advised by the
19 Pharmacy Technician Certification Board after inquiry on or about December 12, 2019.
20 Respondent's certification had, in fact, expired May 31, 2019, and was inactive as of the date of
21 his application.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 (Dishonest Act)

24 11. Respondent's application is subject to denial under Code sections 4300, subdivision
25 (c), 4301, subdivision (f), and CCR section 1770, in that he committed a dishonest act and an act
26 constituting unprofessional conduct, as set forth in paragraph 10 above.

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28 ¹ The new version of section 480, operative July 1, 2020, moves this language to
subdivision (e).

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12. Respondent's conduct is substantially related to the qualifications, functions and duties of a pharmacy technician.

PRAYER

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

1. Denying the application of Daniel Lee Babcock for a Pharmacy Technician License;
2. Taking such other and further action as deemed necessary and proper.

DATED: June 22, 2020



ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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