

FAQs FOR APPLICANTS WITH CRIMINAL HISTORY

1. I have a criminal conviction. Am I eligible to obtain a license?

Currently, there is nothing in pharmacy law that requires a board to deny an application based on a specific conviction. That is, nothing is automatic. The board reviews applications with criminal history on a case-by-case basis and will consider mitigating evidence of rehabilitation using the following criteria ([California Code of Regulations Section 1769](#)):

- The nature and severity of the act(s) or offense(s)
- Evidence of any act(s) committed subsequent to the act(s) or crimes
- The time that has elapsed since commission of the act(s) or crime(s)
- Whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant
- Evidence, if any, of rehabilitation submitted by the applicant

A determination regarding an applicant's eligibility to obtain a license will not be made prior to the submission of an application. Consequently, board staff will not provide opinions about whether an applicant's specific criminal history will result in the denial of an application.

2. I'm applying for a license. Do I need to disclose my conviction although the case was dismissed pursuant to Penal Code Section 1203.4?

Yes. Penal Code Section 1203.4 states, in part, "...the order does not relieve him or her of the obligation to disclose the conviction in response to any direct question contained in any questionnaire or application for public office, for licensure by any state or local agency, or for contracting with the California State Lottery..."

Failure to disclose a conviction is grounds for denial of an application.

3. I plead no contest/guilty to a traffic violation with a fine of less than \$500. Do I need to disclose the infraction on my application?

No. You do not need to disclose any traffic infractions with a fine of less than \$500 unless drugs and/or alcohol were involved.

4. What happens after I submit my application and documents?

Your application will be forwarded to the enforcement unit for review of your criminal history, including the livescan results provided by the Department of Justice. Due to the high volume of applications, the enforcement unit may take up to 90 days to review criminal history. The review process may take longer if the application is missing necessary documentation. If additional documentation is required, the enforcement unit will contact you.

5. I have a job offer which requires a license. Is there anything I can do to expedite the enforcement review process?

In order to be fair to all applicants, the board reviews each application and all supplemental documents in the order they are received. The review time can be reduced if all necessary

information is provided with the application. If the board receives incomplete information, there will be additional delays. The time to review each case will vary with each application, and is dependant upon the number of convictions, the number of documents obtained for each conviction, and the severity and complexity of each case. It is important to read the application instructions carefully and provide all of the requested documents; this is the only way to expedite your application through the enforcement review process.

6. How will I be notified if I am missing information needed to complete the enforcement review process?

The board will notify you by mail if your application is deficient. The letter will identify the documentation necessary to complete the review of your application. These documents will also be reviewed in the order they are received. Therefore, delays can be minimized by returning all the requested documentation as soon as possible.

Please note, the burden is on the applicant to provide documentation to prove eligibility for licensure. Failure to provide the requested documentation will result in the application being withdrawn.

7. What are “certified” copies?

Certified copies are certified by a court or arresting agency to be “true and correct” copies of the original documents. The certification can be a stamp, seal, or a cover page to the documents.

8. What court records should I submit?

The court documents should include:

- Complaint or Indictment
- Plea and Minute Order
- Summary of Judgement
- Pre-Sentencing/Probation Report *when applicable*
- Dismissal per Penal Code Section 1203.4, 1203.4a, or 1203.41 *when applicable*
- Any other documents which pertain to the conviction

Please note:

Only providing documentation of the dismissal per Penal Code Section 1203.4, 1203.4a, or 1203.41 or any other state’s equivalent law, does not satisfy the board’s request. All other relevant documents listed above should also be provided.

Documentation from the court’s internet website does not satisfy the board’s request.

9. How do I obtain a copy of the arrest report?

Arrest reports are obtained from the law enforcement agency (Police Department, Sheriff’s Department, Highway Patrol, Campus Police, etc...) that arrested and/or cited you.

If you do not know which law enforcement agency arrested and/or cited you, it may be necessary for you to contact law enforcement agencies in the area of your arrest to determine the correct agency. In some cases, the court records will indicate the name of the law enforcement agency; You may also contact the jail at which you were booked for assistance.

10. What if the law enforcement agency will not release the report to me?

Provide a written statement to the board indicating that the law enforcement agency will not release the report to you. Please also provide the name of the law enforcement agency, date of arrest, type of offense, and case/report number. The board will request the report directly from the law enforcement agency.

11. What if I am unable to obtain the arrest and/or court records because the documents have been purged or destroyed?

Ask the agency for written documentation on agency letterhead indicating the documents have been purged or destroyed.

12. What should I include in my written explanation of the incident?

Your statement of explanation should provide a full description of the circumstances that led up to your arrest. Describe your actions that caused you to be arrested. Provide dates and as much detail as you can recall.

To say that you were arrested and convicted is not sufficient detail.

Disclosing personal life traumas which caused you to commit crimes is not required. The board needs a clear statement of facts.

13. What evidence of rehabilitation should I include?

As described in [California Code of Regulations Section 1769](#), you should provide evidence of compliance with any terms of parole, probation, restitution, or any other sanctions lawfully imposed.

You may provide additional evidence of rehabilitation that you would like the board to consider to mitigate the actions that led to your conviction(s). This may include, certificates or letters confirming completion of any rehabilitation programs, community service, etc... These documents must be signed and dated, and include information regarding your attendance dates. You may also provide character reference letters from persons aware of your past criminal convictions.

14. What happens to my application if I don't provide the documents required by the board?

The application will be withdrawn as incomplete; the applicant will need to submit a new application and fee.

Please note, application fees are non-refundable.