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

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

Case No. 7111

14 **LEVI DYLAN PEDRETTI**

STATEMENT OF ISSUES

15 **Pharmacy Technician Registration**
16 **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 (Board), Department of Consumer
22 Affairs.

23 2. On or about July 10, 2020, the Board received an application for a Pharmacy
24 Technician Registration from Levi Dylan Pedretti (Respondent). On or about June 26, 2020,
25 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on January 19, 2021.

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1 **JURISDICTION AND STATUTORY PROVISIONS**

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

5 4. 4. Section 475 of the Code states, in pertinent part:

6 (a) Notwithstanding any other provisions of this code, the provisions of this
7 division shall govern the denial of licenses on the grounds of:

8 (1) Knowingly making a false statement of material fact, or knowingly omitting
9 to state a material fact, in an application for a license.

10 (2) Conviction of a crime.

11 (3) Commission of any act involving dishonesty, fraud or deceit with the intent
12 to substantially benefit himself or another, or substantially injure another.

13 5. Section 477 of the Code states:

14 As used in this division:

15 (a) "Board" includes "bureau," "commission," "committee," "department,"
16 "division," "examining committee," "program," and "agency."

17 (b) "License" includes certificate, registration or other means to engage in a
18 business or profession regulated by this code.

19 6. Section 480 of the Code states, in pertinent part:

20 (a) Notwithstanding any other provision of this code, a board may deny a
21 license regulated by this code on the grounds that the applicant has been convicted of
22 a crime or has been subject to formal discipline only if either of the following
23 conditions are met:

24 (1) The applicant has been convicted of a crime within the preceding seven
25 years from the date of application that is substantially related to the qualifications,
26 functions, or duties of the business or profession for which the application is made,
27 regardless of whether the applicant was incarcerated for that crime, or the applicant
28 has been convicted of a crime that is substantially related to the qualifications,
functions, or duties of the business or profession for which the application is made
and for which the applicant is presently incarcerated or for which the applicant was
released from incarceration within the preceding seven years from the date of
application.

....

(e) 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. A board shall not deny a license based solely on an
applicant's failure to disclose a fact that would not have been cause for denial of the
license had it been disclosed.

1 **REGULATORY PROVISIONS**

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

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 **FACTS**

8 8. On or about July 27, 2015, officers received a report of the fraudulent use of a
9 checking account. The victim’s father reported from October 2014 through June 2015, his
10 daughter’s checking account had been accessed, and approximately 15 point-of-sale purchases
11 were made at various restaurants without her knowledge. During the investigation, officers
12 discovered Respondent had used the victim’s debit card totaling \$748.25. On or about October
13 23, 2015, in the criminal complaint: *Commonwealth of Virginia, in the Orange County General*
14 *District Court, Defendant Levi Dylan Pedretti*, Case Nos. GC15005245-00 and GC15005246-00,
15 Respondent pled guilty to two (2) misdemeanor counts of violating section 18.2-195, Code of
16 Virginia (unlawfully commit credit card fraud by obtaining money, goods, services, (value not
17 exceeding \$200 in a six-month period)). The court suspended the sentencing of 90-days jail time,
18 and placed Respondent on probation for 24-months.

19 **FIRST CAUSE FOR DENIAL OF APPLICATION**

20 **(Conviction of a Substantially Related Crime)**

21 9. Respondent’s application is subject to denial under section 480, subdivision (a)(1), in
22 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was
23 convicted of a crime substantially related to the qualifications, functions, or duties of the
24 pharmacy technician. Specifically, on or about October 23, 2015, Respondent pled guilty to two
25 (2) misdemeanor counts of violating section 18.2-195, Code of Virginia (unlawfully commit
26 credit card fraud by obtaining money, goods, services, (value not exceeding \$200 in a six-month
27 period). Complainant refers to and by this reference incorporates, the allegations set forth above
28 in paragraph 8, as though set forth fully.

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SECOND CAUSE FOR DENIAL OF APPLICATION

(Acts Involving Dishonesty, Fraud, Deceit)

10. Respondent’s application is subject to denial under sections 480, subdivision (a)(1), 4301, subdivision (f), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent committed dishonest acts, fraud, or deceit with the intent to substantially benefit himself or substantially injure another. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraph 8, as though set forth fully.

THIRD CAUSE FOR DENIAL OF APPLICATION

(False Representation to Secure License for Self)

11. Respondent’s application is subject to denial under sections 480, subdivision (e), and 4322, in that Respondent failed to disclose his conviction on his application for licensure. Complainant refers to and by this reference incorporates, the allegations set forth above in paragraph 8, as though set forth fully.

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 Levi Dylan Pedretti for a Pharmacy Technician Registration; and
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 4/14/2021

Signature on File

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

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