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

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

Case No. 7924

13 **ANWER ABDULLA MUSED**

**STATEMENT OF ISSUES**

14 **Pharmacy Technician License Applicant**

15 Respondent.

16 **PARTIES**

- 17 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
18 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
19 2. On or about May 2, 2024, the Board of Pharmacy (Board), Department of Consumer  
20 Affairs received an application for a Pharmacy Technician License from Anwer Abdulla Mused  
21 (Respondent). On or about April 16, 2024, Respondent certified under penalty of perjury to the  
22 truthfulness of all statements, answers, and representations in the application. The Board denied  
23 the application on September 19, 2024.

24 **JURISDICTION**

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



1 (2) A board shall not categorically bar an applicant based solely on the type of  
conviction without considering evidence of rehabilitation.

2 (c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and  
3 “registration.” . . .

4 7. Section 4301 of the Code states, in pertinent part:

5 The board shall take action against any holder of a license who is guilty of  
6 unprofessional conduct or whose license has been issued by mistake. Unprofessional  
conduct includes, but is not limited to, any of the following:

7 . . .

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

19 **REGULATORY PROVISIONS**

20 8. California Code of Regulations (CCR), title 16, section 1769, subdivision (c),  
21 states, in pertinent part:

22 . . .

23 (b) Denial of a license.

24 (1) When considering the denial of a facility or personal license under Section  
480 of the Business and Professions Code on the grounds that the applicant has been  
25 convicted of a crime, the board will consider whether the applicant made a showing  
of rehabilitation if the applicant completed the criminal sentence at issue without a  
26 violation of parole or probation. In making this determination, the board will consider  
the following criteria:

27 (A) The nature and gravity of the crime(s).  
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(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph (1) or the denial is based on professional misconduct, the board will apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(E) The criteria in paragraphs (1)(A) through (E), as applicable.

(F) Evidence, if any, of rehabilitation submitted by the applicant, including as provided in the board's Disciplinary Guidelines, identified in section 1760.

...

9. CCR, title 16, section 1770, states:

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

1 (b) In making the substantial relationship determination required under  
subdivision (a) for a crime, the board will consider the following criteria:

2 (1) The nature and gravity of the offense;

3 (2) The number of years elapsed since the date of the offense; and

4 (3) The nature and duties of the practice, profession, or occupation that may be  
5 performed under the license type sought or held.

6 (c) For purposes of subdivision (a), substantially related crimes, professional  
misconduct, or acts shall include, but are not limited to, those which:

7 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
8 conspire to violate, any provision of law of this state, or any other jurisdiction,  
governing the practice of pharmacy.

9 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
10 conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of  
Title 21 of the United States Code regulating controlled substances or any law of this  
11 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

12 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
conspire to violate, any provision of law of this state, or any other jurisdiction,  
13 relating to government provided or government supported healthcare.

14 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,  
documents, or personal information.

15 (5) Involve a conviction for driving under the influence of drugs or alcohol.

16 **CAUSE FOR DENIAL OF APPLICATION**

17 **(Criminal Conviction)**

18 10. Respondent's application is subject to denial under Code sections 480, subdivision  
19 (a), 4300, subdivision (c), and 4301, subdivision (l), in conjunction with CCR, title 16, section  
20 1770, in that Respondent has been convicted of a crime that is substantially related to the  
21 qualifications, functions and duties of a pharmacy technician.

22 11. On or about November 14, 2022, in a criminal proceeding entitled *People v. Anwer*  
23 *Abdulla Mused*, in Stanislaus County Superior Court, Case Number CR-22-006817, Respondent  
24 was convicted by plea of no contest of violating Penal Code section 337a, subdivision (a)(1)  
25 (engaging in pool selling or bookmaking with or without a writing), a misdemeanor. Respondent  
26 was sentenced to one year of probation and one day in the county jail. The circumstances are as  
27 follows:

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1 a. On or about January 27, 2022, an undercover agent with the California  
2 Department of Alcoholic Beverage Control (ABC) entered Airport Market in Modesto,  
3 California. The agent approached the clerk, later identified as Respondent, and asked to put  
4 money into his “river” account. The “river” is a term referring to an online site in which account  
5 holders can pay money into an account and then play various online gambling games of chance to  
6 win money. Respondent replied “yes” and asked the agent for his first name and last initial.  
7 Respondent then entered the information into a smart phone and asked the agent how much he  
8 wanted to put on the account. The agent gave him a marked \$20 bill and left the premises. The  
9 agent then signed into his account and confirmed that the \$20 had been transferred into 2000  
10 credits to play. The agent played several games, wagering various amounts, and determined that  
11 the game results were completely random and no amount of skill would alter the result. ABC  
12 agents then entered the Airport Market and photographed the smart phone Respondent had used  
13 and retrieved the marked \$20 bill the agent had given Respondent. ABC agents questioned  
14 Respondent, who admitted to running online gambling games through the business for the past  
15 few months, as well as in the past.

16 **PRAYER**

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

- 19 1. Denying the application of Anwer Abdulla Mused for a Pharmacy Technician  
20 License;  
21 2. Taking such other and further action as deemed necessary and proper.

22 DATED: 10/17/2024

23 **Sodergren,** Digitally signed by  
**Anne@DCA** Sodergren, Anne@DCA  
Date: 2024.10.17 05:44:55  
-07'00'

24 ANNE SODERGREN  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*