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NEVADA STATE BOARD OF PHARMACY

985 Damonte Ranch Pkwy Ste 206 – Reno, NV 89521

APPLICATION BY EXAMINATION AS A PHARMACIST

If you are requesting examination eligibility for initial licensure and/or you don't meet the requirements for reciprocity.

Total Fee: \$330.00 (non-refundable, money order or cashier's check only, no cash)

Money Order or Cashier's Check only made payable to: **Nevada State Board of Pharmacy**

Complete Name (no abbreviations):

First: James Middle: Robert Last: Dexter

Mailing Address: 13377 Carson Hwy

City: Fallon State: NV Zip Code: 89406

Telephone: _____ E-mail Address: _____

Date of Birth: _____ Place of Birth: Porterville, CA

Social Security Number: _____ Sex: ☒ M or ☐ F
(Full Number Required)

College of Pharmacy Information

Graduation Date: 05.27.18
(mm/dd/yy)

Degree Received: ☒ PharmD ☐ BS in Pharmacy ☐ Other (check one)

Name of Pharmacy School: Loma Linda University

Location of School: Loma Linda, CA

If you are a **foreign graduate** you must attach a copy of your FPGE certificate to THIS APPLICATION. You also need to complete the college of pharmacy information

Board Use Only

Processed: 9-11-19 Amount: 330.00 Entity #: _____
Email: _____ NAPLEX: _____ MPJE: _____

Other states where you are (or were) licensed as a pharmacist or print "none"

State	Lic #	Is the license active?	State	Lic #	Is the license active?
<u>NONE</u>	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>
_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>	_____	_____	Yes <input type="checkbox"/> No <input type="checkbox"/>

**Attach separate sheet if needed

Have you ever served in the military, either active, reserve or retired? Yes ☐ No ☒

Branch: _____

Military Occupation/Specialty: _____

Dates of Service: _____

A licensee is not required to have a Nevada State Business License, however, if you do, please provide the number: _____

					Yes	No
Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or physical condition that would impair your ability to perform the essential functions of your license?..... <input checked="" type="checkbox"/> ... <input type="checkbox"/>						
1. Been charged, arrested or convicted of a felony or misdemeanor in <u>any</u> state?..... <input checked="" type="checkbox"/> ... <input type="checkbox"/>						
2. Been the subject of a board citation or an administrative action or board citation whether completed or pending in <u>any</u> state?..... <input checked="" type="checkbox"/> ... <input type="checkbox"/>						
3. Had your license subjected to any discipline for violation of pharmacy or drug laws in <u>any</u> state?.... <input checked="" type="checkbox"/> ... <input type="checkbox"/>						
If you marked YES to any of the numbered questions (1-3) above, include the following information & provide an explanation and/or documentation: <i>Attached</i>						
Board Administrative Action:		State	Date:		Case #:	
			/ /			
Criminal Action:	State	Date:	Case #:	County	Court	
		/ /				

FEDERALLY MANDATED REQUIREMENTS

In response to Federally mandated requirements, the Nevada Legislature and Attorney General require that we include this questions as part of all applications.

4. Are you the subject of a court order for the support of a child?.....Yes ☐ No ☒
4a. If you marked Yes, to the question 4, are you in compliance with the court order?.....Yes ☐ No ☐

I have read all questions, answers and statements and know the contents thereof. I hereby certify, under penalty of perjury, that the information furnished on this application are true, accurate and correct. I hereby authorize the Nevada State Board of Pharmacy, its agents, servants and employees, to conduct any investigation(s) of my business, professional, social and moral background, qualification and reputation, as it may deem necessary, proper or desirable.

No liability of any sort or kind shall attach to the said Nevada State Board of Pharmacy, its members, servants or employees because or by reason of the use of the authorization.

I attest to knowledge of and compliance with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of transmission of infectious agents through safe and appropriate injection practices.

I understand that Nevada law requires a licensed pharmacist who, in their professional or occupational capacity, comes to know or has reasonable cause to believe, a child has been abused/neglected, to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.



Original Signature, no copies or stamps accepted

08.20.19

Date

Nevada State Board of Pharmacy
985 Damonte Ranch Pkwy, Ste 206
Reno, NV 89521

Dear Board of Pharmacy,

Attached is a copy of the legal issues I have faced. They have all been due to addiction to alcohol. For the first time I am in professional treatment. I have not touched alcohol since December 8, 2018. I am committed to not drinking and improving myself. My next goal is to get my pharmacy license in Nevada and be a positive impact on the community.

My counselor, Carol Schaye, said to have you call her anytime and that she would be willing to come in and speak on my behalf.

Carols Schaye
Carols Counseling
1000 Bible Way #41
Reno, NV 89509

Phone:

I appreciate your consideration.

James Dexter

Pharmacy Board Action

Board Administrative Action:	State	Date	Case #
Revoke	California	3/30/2018	6374

Cases

Criminal Action	State	Date	Case #	County	Court
DUI	NV	5/11/2011	11CR00343	Humboldt	Humboldt County Justice Court

Criminal Action	State	Date	Case #	County	Court
DUI	CA	8/31/2017	LM111739A	Kern	Superior Court of Kern County

Criminal Action	State	Date	Case #	County	Court
DUI	CA	5/6/2018	RIM1807687	Riverside	Superior Court of California, County of Riverside

Criminal Action	State	Date	Case #	County	Court
DUI	NV	12/8/2018	18SCR1930	Washoe	Sparks Justice Court

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

In the Matter of the Accusation Against:

JAMES ROBERT DEXTER
26072 Gardner St.
Loma Linda, CA 92354

**Intern Pharmacist Registration No.
INT 35161**

Respondent.

Case No. 6374

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 30, 2018, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 6374 against James Robert Dexter (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about December 17, 2014, the Board of Pharmacy (Board) issued Intern Pharmacist Registration No. INT 35161 to Respondent. The Intern Pharmacist Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6374 and will expire on May 31, 2019, unless renewed.

3. On or about April 11, 2018, Respondent was served by Certified and First Class Mail copies of the Accusation No. 6374, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
3 is required to be reported and maintained with the Board. Respondent's address of record was
4 and is: 26072 Gardner St., Loma Linda, CA 92354.

5 4. Government Code section 11506(c) states, in pertinent part:

6 (c) The respondent shall be entitled to a hearing on the merits if the respondent
7 files a notice of defense . . . and the notice shall be deemed a specific denial of all
8 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
9 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
10 discretion may nevertheless grant a hearing.

11 5. The Board takes official notice of its records and the fact that Respondent failed to
12 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
13 waived his right to a hearing on the merits of Accusation No. 6374.

14 6. California Government Code section 11520(a) states, in pertinent part:

15 (a) If the respondent either fails to file a notice of defense . . . or to appear at
16 the hearing, the agency may take action based upon the respondent's express
17 admissions or upon other evidence and affidavits may be used as evidence without
18 any notice to respondent

19 7. Pursuant to its authority under Government Code section 11520, the Board finds
20 Respondent is in default. The Board will take action without further hearing and, based on the
21 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
22 taking official notice of all the investigatory reports, exhibits and statements contained therein on
23 file at the Board's offices regarding the allegations contained in Accusation No. 6374, finds that
24 the charges and allegations in Accusation No. 6374, are separately and severally, found to be true
25 and correct by clear and convincing evidence.

26 8. The Board finds that the actual costs for Investigation and Enforcement are \$44.61 as
27 of May 10, 2018. The California Department of Justice, Office of the Attorney General find that
28 the actual costs for prosecution are \$945.00 as of May 10, 2018.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent James Robert Dexter has subjected his Intern Pharmacist Registration No. INT 35161 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Intern Pharmacist Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Business and Professions Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of a substantially related crime as follows:

i. On or about December 21, 2017, Respondent, after pleading nolo contendere, was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with a BAC of .08% or more] in the criminal proceeding entitled *The People of the State of California v. James Robert Dexter* (Super. Ct. Kern County, 2017, No. LM111739A).

b. Business and Professions Code section 4301, subdivision (h), on the grounds of unprofessional conduct, in that on or about July 29, 2017, Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious to himself or others when he drove a vehicle under the influence of alcohol.

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ORDER

IT IS SO ORDERED that Intern Pharmacist Registration No. INT 35161, issued to Respondent James Robert Dexter, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on July 10, 2018.

It is so ORDERED on June 11, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Victor Law, R.Ph.
Board President

62820476.DOC
DOJ Matter ID: LA2018500580

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(JAMES ROBERT DEXTER)

1 XAVIER BECERRA
 Attorney General of California
 2 LINDA K. SCHNEIDER
 Senior Assistant Attorney General
 3 ARMANDO ZAMBRANO
 Supervising Deputy Attorney General
 4 State Bar No. 225325
 300 So. Spring Street, Suite 1702
 5 Los Angeles, CA 90013
 Telephone: (213) 269-6322
 6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
 9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
 10

11 In the Matter of the Accusation Against:

Case No. 6374

12 **JAMES ROBERT DEXTER**
 26072 Gardner St.
 13 Loma Linda, CA 92354

A C C U S A T I O N

14 **Intern Pharmacist Registration No. INT**
35161
 15

Respondent.
 16

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about December 17, 2014, the Board of Pharmacy issued Intern Pharmacist
 22 Registration Number INT 35161 to James Robert Dexter (Respondent). The Intern Pharmacist
 23 Registration was in full force and effect at all times relevant to the charges brought herein and
 24 will expire on May 31, 2019, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300, subdivision (a), of the Code states, in pertinent part, that "[e]very
2 license issued may be suspended or revoked."

3 5. Section 4300.1 of the Code states:

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

9 STATUTORY PROVISIONS

10 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
11 revoke a license on the ground that the licensee has been convicted of a crime substantially related
12 to the qualifications, functions, or duties of the business or profession for which the license was
13 issued.

14 7. Section 4301 of the Code states:

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

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

24

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

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“(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 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 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. The board may inquire into the circumstances surrounding the commission of the crime, in order to 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 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 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 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 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 dismissing the accusation, information, or indictment.

....

“(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

“(p) Actions or conduct that would have warranted denial of a license.”

REGULATORY PROVISIONS

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

“For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, 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.”

COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under Code sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to qualifications, functions, or duties of a licensed intern pharmacist which to a substantial degree evidences his present or potential unfitness to practice in a manner consistent with the public health, safety, or welfare as follows:

a. On or about December 21, 2017, Respondent, after pleading nolo contendere, was convicted of one misdemeanor count of violating Vehicle Code section 23152(b) [driving with a BAC of .08% or more] in the criminal proceeding entitled *The People of the State of California v. James Robert Dexter* (Super. Ct. Kern County, 2017, No. LM111739A). The court sentenced Respondent to serve four (4) days in jail, placed Respondent on three (3) years probation, and ordered Respondent to complete a licensed alcohol education program.

b. The circumstances underlying the conviction are that on or about July 29, 2017, law enforcement officers responded to a call regarding a reckless driver traveling at a high rate of speed. When the officers contacted Respondent, he appeared to exhibit signs of a person under the influence of alcohol, including unsteady balance, nystagmus, and an odor of alcohol emitting from his breath and person. Respondent denied he had consumed alcohol that evening and refused consent to a chemical breath test. After arrest, Respondent submitted to a blood alcohol test resulting in a BAC of .18%.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

11. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), on the grounds of unprofessional conduct, in that on or about July 29, 2017, Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious to himself or others when he drove a vehicle under the influence of alcohol. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraph 10, inclusive, as though set forth fully.

THIRD CAUSE FOR DISCIPLINE

(Convictions Involving Alcohol)

12. Respondent is subject to disciplinary action under Code section 4301, subdivision (k), on the grounds of unprofessional conduct, in that Respondent has sustained more than one misdemeanor criminal conviction involving the consumption of alcoholic beverages. Complainant refers to and by this references incorporates, the allegations set forth in paragraphs 10 and 14, inclusive, as though set forth fully.

FOURTH CAUSE FOR DISCIPLINE

(Violate Pharmacy Law / Acts Warranting Denial of Licensure)

13. Respondent is subject to disciplinary action under Code section 4301, subdivisions (o) and (p), on the grounds of unprofessional conduct, in that Respondent violated provisions of the Pharmacy Law and committed acts that would have warranted denial of a license. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 10 through 12, inclusive, as though set forth fully.

DISCIPLINE CONSIDERATIONS

14. To determine the degree of discipline, Complainant alleges that:

a. On or about August 24, 2011, Respondent, after pleading nolo contendere, was convicted of one misdemeanor count of violating Nevada Revised Statute section 484C.110 [driving under the influence of alcohol; first offense] in the criminal proceeding entitled *County of Humboldt v. James Robert Dexter* (Justice Ct. Humboldt County, 2011, No. 11CR00343). The

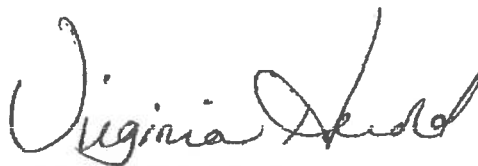
1 circumstances underlying the conviction are that on or about May 11, 2011, Respondent was
2 pulled over by law enforcement officers for driving at a high rate of speed in Orovada, Nevada.
3 When officers contacted respondent, he appeared to exhibit signs of a person under the influence
4 of alcohol, including bloodshot and watery eyes, slurred speech, and an odor of alcohol emitting
5 from his person. Respondent submitted to a chemical breath test resulting in a BAC of .179% and
6 .171%.

7 PRAYER

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

- 10 1. Revoking or suspending Intern Pharmacist Registration Number INT 35161, issued to
11 James Robert Dexter;
12 2. Ordering James Robert Dexter to pay the Board of Pharmacy the reasonable costs of
13 the investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and,
15 3. Taking such other and further action as deemed necessary and proper.

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19 DATED: 3/30/18



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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