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8 **BEFORE THE**
9 **BOARD OF PHARMACY**

10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7944

13 **FRANKLIN ELISEO REYES**

14 1107 W. 84th Place
Los Angeles, CA 90044

DEFAULT DECISION AND ORDER

15 Pharmacy Technician License No. TCH
16 117755

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about March 13, 2025, Complainant Anne Sodergren, in her official capacity as
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
22 Accusation No. 7944 against Franklin Eliseo Reyes (Respondent) before the Board of Pharmacy.
23 (Accusation attached as Exhibit A.)

24 2. On or about April 19, 2012, the Board of Pharmacy (Board) issued Pharmacy
25 Technician License No. TCH 117755 to Respondent. The Pharmacy Technician License was in
26 full force and effect at all times relevant to the charges brought in Accusation No. 7944 and will
27 expire on January 31, 2026, unless renewed.
28

1 3. On or about January 23, 2025, Respondent was served by Certified and First-Class
2 Mail copies of the Accusation No. 7944, Statement to Respondent, Notice of Defense, Request
3 for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 1107 W. 84th Place, Los Angeles, CA 90044.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

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

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

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
17 waived his right to a hearing on the merits of Accusation No. 7944.

18 7. California Government Code section 11520(a) states, in pertinent part:

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 finds that the charges and allegations in Accusation No. 7944, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,612.50
as of March 18, 2025.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Franklin Eliseo Reyes has subjected his Pharmacy Technician License No. TCH 117755 to discipline.

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

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory 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, subdivision (a), in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy technician.

a. Business and Professions Code section 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption.

ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 117755, issued to Respondent Franklin Eliseo Reyes, 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.

Pursuant to Business and Professions Code section 4307, Respondent Franklin Eliseo Reyes is prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or serving in any other position with management or control of a licensee. This prohibition shall continue until the license is issued or reinstated.

This Decision shall become effective at 5:00 p.m. on June 27, 2025.

It is so ORDERED on May 28, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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DOJ Matter ID:LA2024305252

By:



Attachment:
Exhibit A: Accusation

Seung W. Oh, Pharm.D.
Board President

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6310
6 Facsimile: (916) 731-2126
E-mail: Thomas.Rinaldi@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7944

13 **FRANKLIN ELISEO REYES**
14 **1107 W. 84th Place**
15 **Los Angeles, CA 90044**

ACCUSATION

16 **Pharmacy Technician License No.**
17 **TCH 117755**

Respondent.

18 **PARTIES**

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

21 2. On or about April 19, 2012, Board issued Pharmacy Technician License Number
22 TCH 117755 to Franklin Eliseo Reyes (Respondent). The Pharmacy Technician License was in
23 full force and effect at all times relevant to the charges brought herein and will expire on January
24 31, 2026, unless renewed.

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4. Section 4300 of the Code provides, in pertinent part, that every license issued by the Board is subject to discipline including suspension or revocation.

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

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

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

(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 otherwise, and whether the act is a felony or misdemeanor or not.

(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

1 substantially related to the qualifications, functions, and duties of a licensee under this
2 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
3 contendere is deemed to be a conviction within the meaning of this provision. The
4 board may take action when the time for appeal has elapsed, or the judgment of
5 conviction has been affirmed on appeal or when an order granting probation is made
6 suspending the imposition of sentence, irrespective of a subsequent order under
7 Section 1203.4 of the Penal Code allowing the person to withdraw their plea of guilty
8 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing
9 the accusation, information, or indictment.

10 . . .

11 8. Section 4307 of the Code states:

12 (a) Any person who has been denied a license or whose license has been
13 revoked or is under suspension, or who has failed to renew his or her license while it
14 was under suspension, or who has been a manager, administrator, owner, member,
15 officer, director, associate, partner, or any other person with management or control
16 of any partnership, corporation, trust, firm, or association whose application for a
17 license has been denied or revoked, is under suspension or has been placed on
18 probation, and while acting as the manager, administrator, owner, member, officer,
19 director, associate, partner, or any other person with management or control had
20 knowledge of or knowingly participated in any conduct for which the license was
21 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
22 as a manager, administrator, owner, member, officer, director, associate, partner, or in
23 any other position with management or control of a licensee as follows:

24 (1) Where a probationary license is issued or where an existing license is placed
25 on probation, this prohibition shall remain in effect for a period not to exceed five
26 years.

27 (2) Where the license is denied or revoked, the prohibition shall continue until
28 the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate,
partner, or any other person with management or control of a license" as used in this
section and Section 4308, may refer to a pharmacist or to any other person who serves
in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed
pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. However, no order may be issued in that case except as to a
person who is named in the caption, as to whom the pleading alleges the applicability
of this section, and where the person has been given notice of the proceeding as
required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
the Government Code. The authority to proceed as provided by this subdivision shall
be in addition to the board's authority to proceed under Section 4339 or any other
provision of law.

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1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section 1770(a) states:

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

8 **COST RECOVERY**

9 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14 included in a stipulated settlement.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(April 23, 2024 Criminal Conviction – Battery on November 24, 2023)**

17 11. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in
18 conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about
19 April 23, 2024, in a criminal proceeding titled *The People of the State of California vs. Franklin*
20 *Eliseo Reyes*, in Superior Court of California, County of Los Angeles, Case No. 23IWCM00264,
21 Respondent pled nolo contendere and was convicted of violating Penal Code section 242
22 (battery), a misdemeanor. Respondent was sentenced to serve nine days in jail, placed on
23 probation for 12 months with terms and conditions, ordered to stay away from A.A., and
24 complete 52 sessions of sexual compulsives anonymous meetings at a rate of one time per week.

25 12. The circumstances surrounding the conviction are that on or about November 24,
26 2023, a Hawthorne Police Department officer was dispatched to a family disturbance involving
27 Respondent. After interviewing the reporting party, it was determined that Respondent fondled
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1 his mother-in-law's breasts and vagina area while she was asleep following a night of consuming
2 alcohol.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Act Involving Moral Turpitude)**

5 13. Respondent is subject to disciplinary action under Code section 4301(f), on the
6 grounds of unprofessional conduct, in that Respondent committed an act involving moral
7 turpitude as alleged above in paragraphs 11-12.

8 **OTHER MATTERS**

9 14. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
10 License Number TCH 117755 issued to Franklin Eliseo Reyes, Franklin Eliseo Reyes shall be
11 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
12 or partner of a licensee for five years if Pharmacy Technician License Number TCH 117755 is
13 placed on probation or until Pharmacy Technician License Number TCH 117755 is reinstated if it
14 is revoked.

15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Technician License Number TCH 117755, issued
19 to Franklin Eliseo Reyes;

20 2. Prohibiting Franklin Eliseo Reyes from serving as a manager, administrator, owner,
21 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
22 License Number TCH 117755 is placed on probation or until Pharmacy Technician License
23 Number TCH 117755 is reinstated if it is revoked;

24 3. Ordering Franklin Eliseo Reyes to pay the Board of Pharmacy the reasonable costs of
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3 and if placed on probation, the costs of probation monitoring; and,

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4. Taking such other and further action as deemed necessary and proper.

DATED: _1/13/2025_____

Sodergren,
Anne@DCA
Digitally signed by
Sodergren, Anne@DCA
Date: 2025.01.13
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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