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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 Statement of Issues Against:
13 **LUIS ALFONSO DESANTIAGO, JR.**
14 **Pharmacy Technician Registration Applicant**
15 Respondent.

Case No. 6793

STATEMENT OF ISSUES

16
17 **PARTIES**

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

21 2. On or about March 22, 2019, the Board received an application for a Pharmacy
22 Technician Registration from Luis Alfonso DeSantiago, Jr. (Respondent). On or about January
23 15, 2019, Luis Alfonso DeSantiago, Jr. certified under penalty of perjury to the truthfulness of all
24 statements, answers, and representations in the application. The Board denied the application on
25 June 20, 2019.

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1 **JURISDICTION**

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

5 4. Section 475 of the Code states:

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 (4) Commission of any act which, if done by a licentiate of the business or
14 profession in question, would be grounds for suspension or revocation of license.

15 (b) Notwithstanding any other provisions of this code, the provisions of this
16 division shall govern the suspension and revocation of licenses on grounds specified
17 in paragraphs (1) and (2) of subdivision (a).

18 (c) A license shall not be denied, suspended, or revoked on the grounds of a
19 lack of good moral character or any similar ground relating to an applicant's
20 character, reputation, personality, or habits.

21 **STATUTORY PROVISIONS**

22 5. Section 480 of the Code states, in pertinent part:

23 (a) A board may deny a license regulated by this code on the grounds that the
24 applicant has one of the following:

25 . . .

26 (3)(A) Done any act that if done by a licentiate of the business or profession in
27 question, would be grounds for suspension or revocation of license.

28 (B) The board may deny a license pursuant to this subdivision only if the crime
or act is substantially related to the qualifications, functions, or duties of the business
or profession for which application is made.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Unprofessional Conduct – Dangerous Use and Possession of a Controlled Substance)**

3 11. Respondent's application is subject to denial under Code section 4300(c), in
4 conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
5 unprofessional conduct, in that on or about May 27, 2014, a Los Angeles County Sheriff deputy
6 conducted a traffic stop involving Respondent. Upon speaking to Respondent, the deputy noticed
7 he was sweating profusely, rapid speech, fidgety, dry mouth, and rapid eye flutter. Respondent
8 admitted to having methamphetamine in a bag tied to his belt. The deputy recovered a baggie
9 from Respondent's waistband that contained a white crystal-like substance and Respondent
10 admitted to using methamphetamine earlier that day. A narcotics test revealed
11 methamphetamine.

12 On or about May 29, 2014, in a criminal proceeding entitled *The People of the State of*
13 *California vs. Luis Alfonso Desantiago*, in Superior Court of California, County of Los Angeles,
14 case number 4BF02708, Respondent plead guilty to violating Health and Safety Code section
15 11550(a) (under the influence of a controlled substance), a misdemeanor. Respondent was placed
16 on deferred entry of judgment for 18 months. On or about August 4, 2017, the court dismissed
17 the case pursuant to Penal Code section 1000.3.

18 **SECOND CAUSE FOR DENIAL OF APPLICATION**

19 **(Acts Warranting Discipline of Licensure)**

20 12. Respondent's application is subject to denial under Code sections 480(a)(3)(A) and
21 480(a)(3)(B), in that Respondent committed acts which if done by a licentiate of the business or
22 profession in question, would be grounds for suspension or revocation of license, as alleged
23 above in paragraph 11.

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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 Luis Alfonso DeSantiago, Jr. for a Pharmacy Technician Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED: December 3, 2019



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

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