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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:

Case No. 7256

**STATEMENT OF ISSUES**

13 **DANIELLE MARIE BUHL**

14 **Pharmacy Technician Registration**  
15 **Applicant**

Respondent.

16  
17 **PARTIES**

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

20 2. On or about July 9, 2021, the Board of Pharmacy (Board) received an application for  
21 a/an Pharmacy Technician Registration from Danielle Marie Buhl (Respondent). On or about  
22 July 1, 2021, Danielle Marie Buhl certified under penalty of perjury to the truthfulness of all  
23 statements, answers, and representations in the application. The Board denied the application on  
24 December 9, 2021.

25 **JURISDICTION AND STATUTORY PROVISIONS**

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

1 4. Section 480 of the Code states:

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

6 (1) The applicant has been convicted of a crime within the preceding seven  
7 years from the date of application that is substantially related to the qualifications,  
8 functions, or duties of the business or profession for which the application is made,  
9 regardless of whether the applicant was incarcerated for that crime, or the applicant  
10 has been convicted of a crime that is substantially related to the qualifications,  
11 functions, or duties of the business or profession for which the application is made  
12 and for which the applicant is presently incarcerated or for which the applicant was  
13 released from incarceration within the preceding seven years from the date of  
14 application.

15 . . . .

16 5. Section 493, subdivision (a) of the Code states:

17 Notwithstanding any other law, in a proceeding conducted by a board within the  
18 department pursuant to law to deny an application for a license or to suspend or revoke a  
19 license or otherwise take disciplinary action against a person who holds a license, upon the  
20 ground that the applicant or the licensee has been convicted of a crime substantially related  
21 to the qualifications, functions, and duties of the licensee in question, the record of  
22 conviction of the crime shall be conclusive evidence of the fact that the conviction  
23 occurred, but only of that fact.

24 **REGULATORY PROVISIONS**

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

26 For the purpose of denial, suspension, or revocation of a personal or facility  
27 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
28 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.

**FIRST CAUSE FOR DENIAL OF APPLICATION**

**(March 9, 2020 Criminal Conviction – (Driving Vehicle While Under the Influence of  
Alcohol Per Se on August 10, 2019))**

7. Respondent's application is subject to denial under Code sections 480, subdivision  
(a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was  
convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one

1 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-li.i [driving  
2 vehicle while under the influence of alcohol per se] in a criminal proceeding titled *The State of*  
3 *Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-CR-20-000040). The  
4 court placed Respondent on five (5) years of supervised probation, ordered her to submit to  
5 random urinalysis and attend four (4) AA/NA meetings per week during the length of probation,  
6 with terms and conditions. The circumstances surrounding the conviction are that on or about  
7 August 10, 2019, Respondent drove a motor vehicle upon a highway while under the influence of  
8 alcohol per se.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(March 9, 2020 Criminal Conviction – (Driving, Attempting to Drive) Vehicle While**  
11 **Impaired by Alcohol on July 18, 2019)**

12 8. Respondent's application is subject to denial under Code sections 480, subdivision  
13 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was  
14 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
15 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one  
16 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-B1.1  
17 [(driving, attempting to drive) vehicle while impaired by alcohol] in a criminal proceeding titled  
18 *The State of Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-CR-20-  
19 000072). The court placed Respondent on five (5) years of supervised probation, ordered her to  
20 submit to random urinalysis and attend four (4) AA/NA meetings per week during the length of  
21 probation, with terms and conditions. The circumstances surrounding the conviction are that on or  
22 about July 19, 2019, Respondent drove or attempted to drive a motor vehicle upon a highway  
23 while impaired by alcohol.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(March 9, 2020 Criminal Conviction – (Driving Vehicle While Under the Influence of**  
26 **Alcohol Per Se on June 27, 2019)**

27 9. Respondent's application is subject to denial under Code sections 480, subdivision  
28 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was

1 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
2 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one  
3 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-li.i [driving  
4 vehicle while under the influence of alcohol per se] in a criminal proceeding titled *The State of*  
5 *Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-CR-20-000071). The  
6 court sentenced Respondent to serve 60 days in jail and placed her on five (5) years of supervised  
7 probation, with terms and conditions. The circumstances surrounding the conviction are that on or  
8 about June 27, 2019, Respondent drove a motor vehicle upon a highway while under the  
9 influence of alcohol per se.

10 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

11 **(March 9, 2020 Criminal Conviction – (Driving, Attempting to Drive) Vehicle While Under**  
12 **the Influence of Alcohol Per Se on April 25, 2019)**

13 10. Respondent's application is subject to denial under Code sections 480, subdivision  
14 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was  
15 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
16 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one  
17 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-li.i [(driving,  
18 attempting to drive) vehicle while under the influence of alcohol per se] in a criminal proceeding  
19 titled *The State of Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-  
20 CR-20-000022). The court sentenced Respondent to serve 60 days in jail and placed her on five  
21 (5) years of supervised probation, with terms and conditions. The circumstances surrounding the  
22 conviction are that on or about April 25, 2019, Respondent drove or attempted to drive a motor  
23 vehicle upon a highway while under the influence of alcohol per se and while having a blood  
24 alcohol concentration level of 0.09%.

25 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

26 **(Acts Warranting Denial of Licensure)**

27 11. Respondent's application is subject to denial under Code section 480 and California  
28 Code of Regulations, title 16, section 1770, in that Respondent committed acts which if done by a

1 licentiate of the business and profession in question would be grounds for suspension or  
2 revocation of her license. Complainant refers to, and by this reference incorporates, the  
3 allegations set forth above in paragraphs 8 through 10, inclusive, as though set forth fully.

4 **PRAYER**

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

- 7 1. Denying the application of Danielle Marie Buhl for a Pharmacy Technician  
8 Registration; and  
9 2. Taking such other and further action as deemed necessary and proper.

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DATED: 5/12/2022

Signature on File  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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Jz(3/28/22)