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

13 In the Matter of the Statement of Issues
Against:

14 **PAOLO BETITA DANO**
15 **Pharmacist License Applicant**

16 Respondent.

Case No. 7300

STATEMENT OF ISSUES

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18
19 **PARTIES**

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

23 2. On or about June 18, 2020, the Board received an application for a Pharmacist
24 License from Paolo Betita Dano (Respondent). On or about June 15, 2020, Respondent certified
25 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on March 18, 2022.

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1 **JURISDICTION**

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

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300, subdivision (a), of the Code provides that every license issued by the
9 Board may be suspended or revoked.

10 6. Section 4300, subdivision (c), of the Code states:

11 The board may refuse a license to any applicant guilty of unprofessional
12 conduct. The board may, in its sole discretion, issue a probationary license to any
13 applicant for a license who is guilty of unprofessional conduct and who has met all
14 other requirements for licensure. . . .

14 7. Section 4300.1 of the Code states:

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

19 **STATUTORY PROVISIONS**

20 8. Section 480 of the Code states, in pertinent part:

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

23 (1) The applicant has been convicted of a crime within the preceding seven
24 years from the date of application that is substantially related to the qualifications,
25 functions, or duties of the business or profession for which the application is made,
26 regardless of whether the applicant was incarcerated for that crime, or the applicant
27 has been convicted of a crime that is substantially related to the qualifications,
28 functions, or duties of the business or profession for which the application is made
and for which the applicant is presently incarcerated or for which the applicant was
released from incarceration within the preceding seven years from the date of
application. However, the preceding seven-year limitation shall not apply in either of
the following situations:

...

(e) A board may deny a license regulated by this code on the ground that the applicant knowingly made a false statement of fact that is required to be revealed in the application for the license. A board shall not deny a license based solely on an applicant's failure to disclose a fact that would not have been cause for denial of the license had it been disclosed.

9. Section 4301 of the Code states:

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:

...

(n) The revocation, suspension, or other discipline by another state of a license to practice pharmacy, operate a pharmacy, or do any other act for which a license is required by this chapter that would be grounds for revocation, suspension, or other discipline under this chapter. Any disciplinary action taken by the board pursuant to this section shall be coterminous with action taken by another state, except that the term of any discipline taken by the board may exceed that of another state, consistent with the board's enforcement guidelines. The evidence of discipline by another state is conclusive proof of unprofessional conduct.

...

FIRST CAUSE FOR DENIAL OF APPLICATION

(August 15, 2017 Criminal Conviction for Possession of Marijuana on April 20, 2016)

10. Respondent's application is subject to denial under section 480, subdivision (a)(1) of the Code, in that on or about August 15, 2017, in a criminal proceeding entitled *The State of Texas vs. vs. Paolo Betita Dano*, Fayette County Court, Case Number 27854, Respondent was convicted by guilty plea for Possession of Marijuana, a misdemeanor. The court granted one year of deferred adjudication according to terms and conditions including 80 hours of community service, a 15-hour drug offender education program, and payment of \$1,652.00 in fines and fees.

11. The facts that led to the conviction are that on or about April 20, 2016, Respondent was driving from California to his home state of Texas. At approximately 12:46 p.m., while Respondent was in Texas, an officer with the Fayette County Sheriff's Department conducted an enforcement stop on his vehicle for traveling in a passing lane and failing to use a signal when changing lanes. During the traffic stop, the officer observed that Respondent seemed nervous. The officer asked if there were any illegal drugs in the vehicle and Respondent disclosed that

1 there was a small amount of marijuana inside the vehicle. The officer searched the vehicle and
2 located several rolled “joints,” 216 grams of marijuana, Viagra pills, Cialis pills, a rifle, and
3 \$2,500 in cash. Because marijuana is illegal in Texas, Respondent was arrested for possession of
4 marijuana, as well as possession of dangerous drugs and unlawful carry of a weapon.

5 12. On or about February 3, 2017, Respondent was notified by the Texas State Board of
6 Pharmacy (Texas Board) of its intent to take action against his pharmacist licensure by
7 examination application, based on the aforementioned April 20, 2016 arrest. On or about June
8 13, 2016, Respondent admitted to the Texas Board that he had used marijuana and received
9 Viagra and Cialis from a friend. Respondent also admitted that he was attempting to transport
10 marijuana, Viagra, and Cialis from California to Texas for personal use. On April 5, 2017,
11 Respondent signed Texas State Board of Pharmacy Agreed Board Order #G-16-017, which stated
12 that he would be granted a pharmacist license after successful completion of all requirements of
13 licensure, subject to a five-year probationary period. On November 28, 2018, Respondent’s
14 application with the Texas Board was withdrawn, and monitoring ceased.

15 13. On or about June 15, 2020, Respondent submitted his Pharmacist Examination for
16 Licensure Application to the Board. Question #7 of the application asked about Respondent’s
17 disciplinary history, pertaining to disciplinary actions taken against licenses sought or held in
18 other jurisdictions. Although Respondent submitted this application after the aforementioned
19 Texas Board Order #G-16-017, he falsely answered “no” to Question #7.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Commission of Act that would be Grounds for Suspension of Revocation of License)**

22 14. Respondent’s application is subject to denial under section 480, subdivision (a)(2),
23 and section 4301, subdivision (n), in that Respondent committed an act that would be grounds for
24 suspension or revocation of his license due to unprofessional conduct, as further laid out in
25 paragraphs 10-13 above.

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THIRD CAUSE FOR DISCIPLINE

(False Statement of Fact on Application)

15. Respondent’s application is subject to denial under section 480, subdivision (e) of the Code, in that Respondent knowingly made a false statement of fact that is required to be revealed in the application for license, as further laid out in paragraphs 10-13 above.

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 Paolo Betita Dano for a Pharmacist License; and,
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 6/30/2022

Signature on File

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

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