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

12 In the Matter of the Statement of Issues
Against:

Case No. 7599

13 **JENNIFER ACHOIY, AKA**
14 **JENNIFER ACHOY**

STATEMENT OF ISSUES

15 **Pharmacy Technician Registration**
16 **Applicant**

Respondent.

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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 December 1, 2022, the Board received an application for a Pharmacy
24 Technician Registration from Jennifer Achoiy, aka Jennifer Achoy (Respondent). On or about
25 November 28, 2022, Jennifer Achoiy certified under penalty of perjury to the truthfulness of all
26 statements, answers, and representations in the application. The Board denied the application on
27 May 16, 2023.

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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 4300(c) of the Code states, in pertinent part, the board may refuse a license to
6 any applicant guilty of unprofessional conduct.

7 **STATUTORY PROVISIONS**

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

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

13 (1) The applicant has been convicted of a crime within the preceding seven
14 years from the date of application that is substantially related to the qualifications,
15 functions, or duties of the business or profession for which the application is made,
16 regardless of whether the applicant was incarcerated for that crime, or the applicant
17 has been convicted of a crime that is substantially related to the qualifications,
18 functions, or duties of the business or profession for which the application is made
19 and for which the applicant is presently incarcerated or for which the applicant was
20 released from incarceration within the preceding seven years from the date of
21 application. . .

22 6. Section 493(a) of the Code states:

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

REGULATORY PROVISIONS

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

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

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(May 20, 2019 Criminal Conviction - DUI on January 19, 2019)**

3 8. Respondent's application is subject to denial under section 480(a)(1), in conjunction
4 with California Code of Regulations, title 16, section 1770(a), in that on or about May 20, 2019,
5 in a criminal proceeding entitled *The People of the State of California vs. Jennifer Achoiy*, in
6 Superior Court of California, County of San Bernardino, Case No. MSB19003056, Respondent
7 pled guilty and was convicted of violating Vehicle Code section 23152(b) (driving under the
8 influence alcohol/0.08% or more), a misdemeanor. Respondent was placed on probation for three
9 years with terms and conditions, ordered to complete a nine-month DUI program, and pay fines
10 and fees.

11 The circumstances surrounding the conviction are that on or about January 19, 2019, a
12 Redland Police Department officer observed a vehicle traveling on the wrong way of the road.
13 The officer conducted an enforcement stop involving Respondent. Upon speaking to Respondent,
14 the officer noticed swaying and an unsteady balance. Respondent admitted to drinking an
15 alcoholic beverage prior to driving. Respondent submitted a blood sample that revealed a blood
16 alcohol concentration of 0.203%.

17 **SECOND CAUSE FOR DENIAL OF APPLICATION**

18 **(April 11, 2019 Criminal Conviction - DUI on February 8, 2019)**

19 9. Respondent's application is subject to denial under section 480(a)(1), in conjunction
20 with California Code of Regulations, title 16, section 1770(a), in that on or about April 11, 2019,
21 in a criminal proceeding entitled *The People of the State of California vs. Jennifer Achoiy, aka*
22 *Jennifer Achoy*, in Superior Court of California, County of Riverside, Case No. BAM1901112,
23 Respondent pled guilty and was convicted of violating Vehicle Code section 23152(b) (driving
24 under the influence alcohol/0.08% or more), a misdemeanor. Respondent was sentenced to serve
25 25 days in jail, placed on probation for 36 months with terms and conditions, ordered to complete
26 a three-month first offender DUI program, complete the MADD victim impact program, and pay
27 fines and fees.

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1 The circumstances surrounding the conviction are that on or about February 8, 2019, a
2 California Highway Patrol officer responded to a multiple vehicle traffic collision involving
3 Respondent. Respondent collided with another vehicle on the freeway resulting in damage to
4 both vehicles. Upon speaking to Respondent, the officer noticed the odor of an alcoholic
5 beverage emitting from her breath, slurred speech, red and watery eyes, and disoriented.
6 Respondent admitted to consuming an alcoholic beverage prior to driving. Respondent was
7 transported by ambulance to a local hospital for her injuries. Respondent submitted to a breath
8 sample that revealed a blood alcohol concentration of 0.17% on the first reading and 0.16% on
9 the second reading.

10 **PRAYER**

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

- 13 1. Denying the application of Jennifer Achoiy, aka Jennifer Achoy for a Pharmacy
14 Technician Registration; and
- 15 2. Taking such other and further action as deemed necessary and proper.

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17 DATED: 10/17/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.10.17 15:10:33
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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