

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues  
Against:

SONIA PEREZ

Respondent.

Case No. 5720

OAH No. 2016071064

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective at 5:00 p.m. on January 6, 2017.

It is so ORDERED on December 7, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues  
Against:

SONIA L. PEREZ, also known as SONIA  
PEARMAN,

Respondent.

Case No. 5720

OAH No. 2016071064

**PROPOSED DECISION**

Administrative Law Judge Adrienne J. Miller, State of California, Office of Administrative Hearings, heard this matter on September 29, 2016, in Oakland, California.

Complainant Virginia Herold, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, was represented by Diann Sokoloff, Supervising Deputy Attorney General.

Respondent Sonia L. Perez, also known as Sonia Pearman appeared on her own behalf and represented herself.

The record was held open until October 13, 2016, to allow respondent to submit character letters and other documentary evidence. The complainant was allowed until October 20, 2016, to file any objections. On October 13, 2016, respondent submitted the following documents: Superior Court transcript regarding restitution order dated June 18, 2009, marked as Exhibit A, arrest and release record, marked as Exhibit B, Stipulation for return of money dated January 6, 2012, marked as Exhibit C, criminal records search dated October 5, 2016, marked as Exhibit D, order for dismissal, marked as Exhibit E, pharmacy externship evaluation, marked as Exhibit F, seven character letters, marked as Exhibit G, transcript regarding conditions of probation, marked as Exhibit H, employment earnings statement, marked as Exhibit I, pharmacy program transcript, marked as Exhibit J, and miscellaneous pictures and certificate of achievement, marked as Exhibit K. Complainant did not file any objections by October 20, 2016. The record closed and the matter was submitted on October 20, 2016.

## FACTUAL FINDINGS

1. Complainant Virginia Herold brought this statement of issues in her official capacity as the Executive Officer of the Board of Pharmacy (board).

2. Sonia L. Perez, also known as Sonia Pearman (respondent) submitted an application for registration as pharmacy technician. The board denied respondent's application on December 17, 2015, and respondent appealed.

### *Respondent's Criminal History*

3. On June 25, 2009, respondent was convicted in the Superior Court of California, County of Alameda, on a plea of nolo contendere, of violating three counts of Penal Code section 484e, subdivision (d) (use of credit card information without consent), a felony. Imposition of sentence was suspended and respondent was placed on five years court probation on terms that included serving 240 days in county jail, with 148 days credit for time served, paying a fine in the amount of \$975 and paying restitution. On July 14, 2009, probation was modified and respondent was ordered to serve an additional six months in jail. On March 9, 2012, the court granted respondent's petition to reduce the felony conviction to a misdemeanor conviction pursuant to Penal Code section 17(b). On August 29, 2014, the court granted respondent's petition to set aside the nolo contendere plea, and dismiss the complaint pursuant to Penal Code section 1203.4.

4. The facts and circumstances of this conviction are that on March 19, 2009, respondent was arrested for credit fraud pursuant to a fraud investigation that concluded on February 24, 2009, when a Kaiser Permanente (Kaiser) Fraud Investigator contacted the police regarding respondent, who was an employee of Kaiser and reported to the police that respondent committed employee theft. Respondent copied 30 to 50 individual credit card numbers and associated information of Kaiser patients for over a period of several months. Respondent admitted that she took the information so that it could be used to make fraudulent purchases, however she denied making purchases for herself and she refused to implicate her co-conspirators. On March 14, 2009, respondent returned to Kaiser, took several documents and left despite having been instructed not to return to Kaiser unless for medical treatment. Respondent claimed that she had not stolen anything and denied having been instructed to not return to Kaiser.

### *Respondent's Evidence*

5. Pursuant to respondent's conviction she deposited \$4,500 in the court's trustee account to pay restitution, however, no victims came forward to claim restitution and the funds were released to respondent on January 6, 2012.

6. Respondent completed her probation on June 25, 2014.

7. Respondent has been married for 23 years and has one adult daughter.
8. Respondent graduated San Leandro High School on June 15, 1995, and in 2000, received an A.A. degree in Travel and Tourism from Chabot College. On October 6, 2013, respondent received an A.A. degree in Applied Science in Pharmacy Technology from Heald College.
9. Respondent worked at Kaiser from 2000 until February 2009, when she resigned due to her employee theft.
10. After respondent was released from jail on July 18, 2009, she did not work for one year. Since her incarceration she has worked full-time with The Unity Council, a non-profit community development corporation. She also works part-time as a property management administrative assistant at Las Bougainvilleas Senior Housing, and she works as a seasonal employee for Levy Restaurants at Oracle Arena in Oakland.
11. From July 8, 2013 to August 13, 2013, respondent completed her pharmacy technology externship at Skilled Nursing Pharmacy in Hayward, California.
12. Respondent provided seven character letters. The first letter, undated, is from Ben Eccleston, former Program Director of the pharmacy technician program at Heald College. Eccleston states in his letter that he does not believe respondent "poses a risk in a pharmacy environment. For as long as I have known her I have [*sic*] seen any inappropriate or illegal behavior. She has as much integrity as any other student from the pharmacy technician program." The second letter, dated October 12, 2016, is from Ruth Perez-Paz, Executive Assistant to the CEO of The Unity Council, who has known respondent for the last six years. Perez-Paz describes respondent as "extremely professional" and "has been one of the best if not the best Front Office Receptionists that I've seen. I [cannot] stress enough how much of an asset [respondent] is and am very happy to give her a letter of reference for her." A third letter is dated October 12, 2016, from Gloria Benavides, Property Manager of Las Bougainvilleas Senior Housing. Benavides has known respondent for the last two years and states that she is of "good character and very capable." A fourth letter, undated, is from Harold Dees, Director of Social Enterprise CHOS Energy, who has known respondent for over six years. Dees worked with respondent at The Unity Council and then hired her to work at Las Bougainvilleas Senior Housing. Dees states that respondent has "always performed . . . with commitment, professionalism and passion to help." The remaining three letters are from co-workers at The Unity Council and they all state that respondent is a hard worker, self-motivated, outgoing, organized, and goes "'above and beyond' in her work to provide the best support and assistance she can in the workplace."
13. Respondent recently volunteered for the Alameda County Sheriff's Office for their 2016 Urban Shield Event on September 11, 2016. She was a participant in the Emergency Medical Services scenarios held at the Alameda County Fire Training Building facility. Respondent also completed the Alameda County Sheriff's Department Spring

Citizen Academy in 2007 and 2010, and received a certificate of achievement from the Alameda County Fire Department's CERT Program in February 2011.

14. Respondent testified that her conviction caused her much pain and that she is sorry for what she did but believes she has sufficiently paid for her past criminal behavior and does not want to talk further about it. Respondent's refusal to testify regarding the facts and circumstances surrounding her criminal behavior and her denial to be forthright about the past is very concerning as to whether she has fully accepted responsibility for her actions and if she is fully remorseful for breaching the public's trust.

### LEGAL CONCLUSIONS

1. Business and Professions Code section 480, subdivision (a)(1), authorizes the board to deny an application if respondent has been convicted of a crime substantially related to the qualifications, functions, or duties of a Pharmacy Technician. A crime is substantially related to the qualifications, functions or duties of a licensee "if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the function authorized by her license or registration in a manner consistent with the public health, safety or welfare." (Cal. Code Regs., tit. 16, § 1770.) Respondent's felony conviction for three counts of use of credit card information without consent is substantially related to the qualifications, functions or duties of a pharmacy technician and provides cause for denial of respondent's application. Therefore, cause exists to deny respondent's application as set forth in Factual Findings 3 and 4.

2. Business and Professions Code section 480, subdivision (a)(2), authorizes the board to deny an application if respondent has committed any acts involving dishonesty, fraud, or deceit with the intent to substantially benefit herself or another, or substantially injure another. Cause exists to deny respondent's application as set forth in Factual Findings 3 and 4.

3. Business and Professions Code section 480, subdivision (a)(3)(A), authorizes the board to deny an application if respondent has "done any act which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license." Cause exists to deny respondent's application as set forth in Factual Findings 3 and 4.

4. At issue is whether respondent has demonstrated sufficient rehabilitation to receive a pharmacy technician license at this time. The board has set forth criteria for evaluating the rehabilitation of an applicant for a license. (Cal. Code Regs., tit.16, § 1769.) These criteria include the nature and severity of the offenses, the time that has elapsed, whether the applicant has complied with the terms of probation, and evidence of rehabilitation. Respondent has completed her court probation and has successfully expunged her conviction under Penal Code section 1203.4. She has not committed any subsequent offenses during the past seven years. Respondent has educated herself and has returned to a

law-abiding life with the support of her family and colleagues. Respondent continues to move forward and be a successful member of her community. Respondent is commended for all her past efforts in the last seven years and she has demonstrated that she is on the road to rehabilitation. However, respondent was convicted of a very serious felony offense which involved stealing credit card information of numerous patients. Respondent's actions violated the public's trust when the public deserved to feel secure and safe while receiving health services. Furthermore, since respondent was not forthcoming about the circumstances surrounding her criminal offense many questions are left unanswered as to whether she has fully accepted responsibility for her actions and whether she is fully remorseful for breaching the trust of her victims. It must be concluded that insufficient time has elapsed for respondent to demonstrate her full rehabilitation. At present, the protection of the public mandates denial of respondent's application.

### ORDER

The application of Sonia L. Perez, also known as Sonia Pearman, for a pharmacy technician license is denied.

DATED: November 4, 2016

DocuSigned by:  
*Adrienne J. Miller*  
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ADRIENNE J. MILLER  
Administrative Law Judge  
Office of Administrative Hearings

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

11 In the Matter of the Statement of Issues  
Against:

Case No. 5720

12 **SONIA L. PEREZ, a.k.a. SONIA**  
13 **PEARMAN**

**STATEMENT OF ISSUES**

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

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

21 2. On or about May 6, 2015, the Board of Pharmacy, Department of Consumer Affairs  
22 received an application for a Pharmacy Technician Registration from Sonia L. Perez, also known  
23 as Sonia Pearman (Respondent). On or about April 14, 2015, Respondent certified under penalty  
24 of perjury to the truthfulness of all statements, answers, and representations in the application.

25 The Board denied the application on December 17, 2015.

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1 JURISDICTION

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

5 4. Section 118, subdivision (a), of the Code provides, in pertinent part, that the  
6 withdrawal of an application for a license after it has been filed with the Board shall not, unless  
7 the Board has consented in writing to such withdrawal, deprive the Board of jurisdiction to  
8 proceed against the applicant for the denial of the license upon any ground provided by law or to  
9 enter an order denying the license upon any such ground.

10 STATUTORY/REGULATORY PROVISIONS

11 5. Section 480 of the Code states:

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

14 "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
15 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
16 board is permitted to take following the establishment of a conviction may be taken when the  
17 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
18 an order granting probation is made suspending the imposition of sentence, irrespective of a  
19 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

20 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
21 benefit himself or herself or another, or substantially injure another.

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

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

27 ...

28 "(d) A board may deny a license regulated by this code on the ground that the applicant



1 knowingly made a false statement of fact required to be revealed in the application for the  
2 license."

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

4 "For the purpose of denial, suspension, or revocation of a personal or facility license  
5 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
6 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
7 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
8 licensee or registrant to perform the functions authorized by his license or registration in a manner  
9 consistent with the public health, safety, or welfare."

10 7. Section 493 of the Code states:

11 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
12 the department pursuant to law to deny an application for a license or to suspend or revoke a  
13 license or otherwise take disciplinary action against a person who holds a license, upon the  
14 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
15 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
16 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
17 and the board may inquire into the circumstances surrounding the commission of the crime in  
18 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
19 qualifications, functions, and duties of the licensee in question.

20 "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
21 'registration.'"

#### 22 FACTUAL BACKGROUND

23 8. On or about June 25, 2009, in a criminal proceeding entitled *People of the State of*  
24 *California vs. Sonia Pearman*, in Alameda County Superior Court, Case No. H46945,  
25 Respondent was convicted of use of credit card information without consent, a felony. (Penal  
26 Code, § 484e, subd. (d).) Specifically, while employed at Kaiser Permanente, Respondent  
27 admitted to copying patient's credit card information, printing it out, and using it to make  
28 fraudulent purchases. Respondent admitted to taking 30-50 individual credit card numbers and

1 associated information over a period of several months. The court ordered Respondent to five  
2 years probation and serve eight months in county jail.

3 FIRST CAUSE FOR DENIAL OF APPLICATION  
4 (Substantially Related Conviction)  
(Bus. & Prof. Code, § 480, subd. (a)(1).)

5 9. Respondent has subjected her application for a Pharmacy Technician Registration to  
6 denial in that she was convicted of a crime substantially related to the qualifications, functions,  
7 and duties of a Pharmacy Technician. (Bus. & Prof. Code, § 480, subd. (a)(1).) The  
8 circumstances are set forth in paragraph 8, above.

9 SECOND CAUSE FOR DENIAL OF APPLICATION  
10 (Committed Acts of Dishonesty, Fraud, or Deceit)  
(Bus. & Prof. Code, § 480, subd. (a)(2).)

11 10. Respondent has subjected her application for a Pharmacy Technician Registration to  
12 denial in that she committed acts of fraud by copying patient's credit card information, printing it  
13 out, and using it to make fraudulent purchases. (Bus. & Prof. Code, § 480, subd. (a)(2).) The  
14 circumstances are set forth in paragraphs 8 and 9, above.

15 THIRD CAUSE FOR DENIAL OF APPLICATION  
16 (Committed Acts which if Done by Licensee Would be Cause for Discipline)  
(Bus. & Prof. Code, § 480, subd. (a)(3).)

17 11. Respondent has subjected her application for a Pharmacy Technician Registration to  
18 denial in that she committed acts, which if done by a Pharmacy Technician, would constitute  
19 grounds for discipline. (Bus. & Prof. Code, § 480, subd. (a)(3).) The circumstances are set forth  
20 in paragraphs 8 and 9, above.

21 PRAYER

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

24 1. Denying the application of Sonia L. Perez, also known as Sonia Pearman for a  
25 Pharmacy Technician Registration;

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

DATED: 4/20/16

*Virginia Herold*

VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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