

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7044

13 **DANIEL CASEY MENDOZA**
14 **791 E. Duane Ave #B**
Sunnyvale, CA 94085

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No.**
16 **TCH 159524**

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about January 14, 2021, Complainant Anne Sodergren, in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
22 Accusation No. 7044 against Daniel Casey Mendoza (Respondent) before the Board of
23 Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about February 28, 2017, the Board of Pharmacy (Board) issued Original
25 Pharmacy Technician Registration No. TCH 159524 to Respondent. The Original Pharmacy
26 Technician Registration was in full force and effect at all times relevant to the charges brought in
27 Accusation No. 7044 and will expire on March 31, 2022, unless renewed.
28

1 3. On or about January 20, 2021, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7044, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 791 E. Duane Ave., #B, Sunnyvale, CA 94085.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9 5. Government Code section 11506(c) states, in pertinent part:

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
14 discretion may nevertheless grant a hearing.

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
17 waived his right to a hearing on the merits of Accusation No. 7044.

18 7. California Government Code section 11520(a) states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense . . . or to appear at
20 the hearing, the agency may take action based upon the respondent's express
21 admissions or upon other evidence and affidavits may be used as evidence without
22 any notice to respondent

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7044,
28 finds that the charges and allegations in Accusation No. 7044, are separately and severally, found
to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,517.50
as of February 24, 2021.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Daniel Casey Mendoza has
3 subjected his Original Pharmacy Technician Registration No. TCH 159524 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Pharmacy is authorized to revoke Respondent's Original Pharmacy
6 Technician Registration based upon the following violations alleged in the Accusation which are
7 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
8 case:

9 a. Unprofessional Conduct (Bus. & Prof. Code § 4301);

10 b. Acts Involving Moral Turpitude (Bus. & Prof. Code § 4301, subd. (f).)

11 **ORDER**

12 IT IS SO ORDERED that Original Pharmacy Technician Registration No. TCH 159524,
13 issued to Respondent Daniel Casey Mendoza, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
15 written motion requesting that the Decision be vacated and stating the grounds relied on within
16 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
17 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

18 This Decision shall become effective at 5:00 p.m. on April 28, 2021.

19 It is so ORDERED on March 29, 2021.

20 FOR THE BOARD OF PHARMACY
21 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

22
23 By



24 Greg Lippe
25 Board President

26 42568329.DOCX
DOJ Matter ID:SF2020401809

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

(DANIEL CASEY MENDOZA)

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JOSHUA D. JOHNSON
Deputy Attorney General
4 State Bar No. 244774
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3876
6 Facsimile: (415) 703-5480
E-mail: Joshua.Johnson@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7044

13 **DANIEL CASEY MENDOZA**
14 **791 E. Duane Ave #B**
Sunnyvale, CA 94085

ACCUSATION

15 **Pharmacy Technician Registration No. TCH 159524**

16 Respondent.
17

18
19 **PARTIES**

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

22 2. On or about February 28, 2017, the Board of Pharmacy issued Original Pharmacy
23 Technician Registration Number TCH 159524 to Daniel Casey Mendoza (Respondent). The
24 Original Pharmacy Technician Registration was in full force and effect at all times relevant to the
25 charges brought herein and will expire on March 31, 2022, unless renewed.

26 **JURISDICTION**

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

1 indicated.

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

5 5. Section 4300, subdivision (a), of the Code states that “(a) Every license issued may be
6 suspended or revoked.”

7 6. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license
9 by operation of law or by order or decision of the board or a court of law, the
10 placement of a license on a retired status, or the voluntary surrender of a license by a
11 licensee shall not deprive the board of jurisdiction to commence or proceed with any
12 investigation of, or action or disciplinary proceeding against, the licensee or to render
13 a decision suspending or revoking the license.

14 **STATUTORY PROVISIONS**

15 7. Section 4301 of the Code states:

16 The board shall take action against any holder of a license who is guilty of
17 unprofessional conduct or whose license has been issued by mistake. Unprofessional
18 conduct shall include, but is not limited to, any of the following:

19 ...

20 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
21 deceit, or corruption, whether the act is committed in the course of relations as a
22 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

23 ...

24 **REGULATORY PROVISIONS**

25 8. 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.

29 **COST RECOVERY**

30 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
31 administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
3 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
4 included in a stipulated settlement.

5 **FACTUAL ALLEGATIONS**

6 10. On or about July 13, 2020, Respondent was arrested and subsequently charged in an
7 ongoing criminal proceeding entitled *People of the State of California vs. Daniel Mendoza* in
8 Santa Clara County Superior Court, Case Number C2010062, for violating Penal Code section
9 311.1, subdivision (a), (possession of child pornography), a felony, and Penal Code section 288.3,
10 subdivision (a), (contact with a minor with the intent to commit a sex crime).

11 11. At the time of his arrest, respondent admitted that he used smartphone applications to
12 view and exchange child pornography in chat rooms. In addition, respondent admitted to chatting
13 with and requesting pornographic photographs from a person that told him she was an eleven-
14 year-old girl. Respondent arranged to meet up with the girl, unaware that she was in fact an
15 undercover agent.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct)**

18 12. Respondent is subject to disciplinary action under section 4301 of the Code in that
19 Respondent engaged in unprofessional conduct, as set forth in paragraphs 10-11 above.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Acts Involving Moral Turpitude)**

22 13. Respondent is subject to disciplinary action under section 4301, subdivision (f), of the
23 Code in that Respondent committed acts involving moral turpitude, as set forth in paragraphs 10-
24 11 above.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:
28

1. Revoking or suspending Original Pharmacy Technician Registration Number TCH 159524, issued to Daniel Casey Mendoza;

2. Ordering Daniel Casey Mendoza to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 1/14/2021

Signature on File

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

SF2020401809
42469883.docx