

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. 7162

13 **PATRICK EVAN SANDOVAL**
14 **21252 Valleyview Dr.**
Walnut, CA 91789

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **156612**

[Gov. Code, §11520]

17 Respondent.
18

19
20 **FINDINGS OF FACT**

21 1. On or about September 10, 2021, Complainant Anne Sodergren, in her official
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
23 filed Accusation No. 7162 against Patrick Evan Sandoval (Respondent) before the Board of
24 Pharmacy. (Accusation attached as Exhibit A.)

25 2. On or about February 17, 2017, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 156612 to Respondent. The Pharmacy Technician Registration
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 7162
28 and will expire on September 30, 2022, unless renewed.

1 3. On or about September 28, 2021, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7162, 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 136, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 21252 Valleyview Dr., Walnut, CA 91789.

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. 7162.

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. 7162,
28 finds that the charges and allegations in Accusation No. 7162, are separately and severally, found
to be true and correct by clear and convincing evidence.

///

///

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Patrick Evan Sandoval has subjected his Pharmacy Technician Registration No. TCH 156612 to discipline.

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

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

a. Business and Professions Code sections 490 and 4301(l), in conjunction with California Code of Regulations, title 16, section 1770, in that on or about February 9, 2021, in a criminal proceeding entitled *The People of the State of California vs. Patrick Evan Sandoval*, in Superior Court of California, County of Los Angeles, Case Number KA124907, Respondent was convicted of violating Vehicle Code section 23153(f) (DUI drugs causing bodily injury), a felony;

b. Business and Professions Code section 4301(h) and (j), on the grounds of unprofessional conduct, in that April 9, 2020, Respondent used dangerous drugs to the extent or in a manner dangerous or injurious to oneself or others; and

c. Business and Professions Code section 4301(k), on the grounds of unprofessional conduct, in that on or about February 9, 2021, Respondent was convicted of a felony involving the use, consumption, or self-administration of drugs.

///

///

///

///

///

///

///

///

///

///

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 156612, issued to Respondent Patrick Evan Sandoval, is revoked.

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

This Decision shall become effective at 5:00 p.m. on January 5, 2022.

It is so ORDERED on December 6, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Seung W. Oh, Pharm. D.
Board President

64655204.DOCX
DOJ Matter ID:LA2021602684

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 CARL W. SONNE
Senior Assistant Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
6 Facsimile: (916) 731-2126
E-mail: Armando.Zambrano@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. 7162

13 **PATRICK EVAN SANDOVAL**
21252 Valleyview Dr.
14 Walnut, CA 91789

ACCUSATION

15 **Pharmacy Technician Registration No.**
TCH 156612

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 (Board), Department of Consumer Affairs.

22 2. On or about February 17, 2017, the Board issued Pharmacy Technician Registration
23 Number TCH 156612 to Patrick Evan Sandoval (Respondent). The Pharmacy Technician
24 Registration was in full force and effect at all times relevant to the charges brought herein and
25 will expire on September 30, 2022, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Section 4300 of the Code provides, in pertinent part, that every license issued by the
6 Board is subject to discipline including suspension or revocation.

7 5. 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
investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
14 revoke a license on the ground that the licensee has been convicted of a crime substantially
15 related to the qualifications, functions, or duties of the business or profession for which the
16 license was issued.

17 7. Section 4301 of the Code states, in pertinent part:

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

20 . . .

21 (h) The administering to oneself, of any controlled substance, or the use of any
22 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
23 dangerous or injurious to oneself, to a person holding a license under this chapter, or
to any other person or to the public, or to the extent that the use impairs the ability of
the person to conduct with safety to the public the practice authorized by the license.

24 . . .

25 (j) The violation of any of the statutes of this state, of any other state, or of the
United States regulating controlled substances and dangerous drugs.

26 (k) The conviction of more than one misdemeanor or any felony involving the
27 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
or any combination of those substances.

28 ///

1 (l) The conviction of a crime substantially related to the qualifications,
2 functions, and duties of a licensee under this chapter. The record of conviction of a
3 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
4 States Code regulating controlled substances or of a violation of the statutes of this
5 state regulating controlled substances or dangerous drugs shall be conclusive
6 evidence of unprofessional conduct. In all other cases, the record of conviction shall
7 be conclusive evidence only of the fact that the conviction occurred. The board may
8 inquire into the circumstances surrounding the commission of the crime, in order to
9 fix the degree of discipline or, in the case of a conviction not involving controlled
10 substances or dangerous drugs, to determine if the conviction is of an offense
11 substantially related to the qualifications, functions, and duties of a licensee under this
12 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
13 contendere is deemed to be a conviction within the meaning of this provision. The
14 board may take action when the time for appeal has elapsed, or the judgment of
15 conviction has been affirmed on appeal or when an order granting probation is made
16 suspending the imposition of sentence, irrespective of a subsequent order under
17 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
18 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
19 dismissing the accusation, information, or indictment.

11 **REGULATORY PROVISIONS**

12 8. California Code of Regulations, title 16, section 1770 states:

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

17 **COST RECOVERY**

18 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
22 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
23 included in a stipulated settlement.

24 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

25 10. Benzodiazepines are a Schedule IV controlled substance as designated by Health and
26 Safety Code section 11057 and is categorized as a dangerous drug pursuant to Code section 4022.

27 11. Cannabinoids are a Schedule I controlled substance as designated by Health and
28 Safety Code section 11054 and is categorized as a dangerous drug pursuant to Code section 4022.

12. Cocaine is a Schedule II controlled substance as designated by Health and Safety Code section 11055 and is categorized as a dangerous drug pursuant to Code section 4022.

FIRST CAUSE FOR DISCIPLINE

(February 9, 2021 Criminal Conviction -

DUI Drugs Causing Bodily Injury on April 9, 2020)

13. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in conjunction with California Code of Regulations, title 16, section 1770, in that on or about February 9, 2021, in a criminal proceeding entitled *The People of the State of California vs. Patrick Evan Sandoval*, in Superior Court of California, County of Los Angeles, Case Number. KA124907, Respondent was convicted of violating Vehicle Code section 23153(f) (DUI drugs causing bodily injury), a felony. Respondent was sentenced to serve 270 days in jail, placed on probation for five years with terms and conditions, ordered to complete a 30-month multiple-offender alcohol and other drug education and counseling program, and pay fines and fees.

The circumstances surrounding the conviction are that on or about April 9, 2020, a Covina Police Department officer responded to an injury traffic collision involving Respondent. Respondent drove on the wrong side of the road and collided with a vehicle head on. The officer observed a prescription of Alprazolam (Xanax) in Respondent's vehicle. Respondent was transported to a local hospital by ambulance for his injuries. Upon speaking to Respondent, the officer noticed a faint odor of an alcoholic beverage emitting from his person. Respondent admitted to drinking alcoholic beverages prior to driving. Respondent submitted to a blood sample that revealed benzodiazepines, cannabinoids, and cocaine.

SECOND CAUSE FOR DISCIPLINE

(Dangerous Use of Drugs)

14. Respondent is subject to disciplinary action under Code section 4301(h) and (j), on the grounds of unprofessional conduct, in that April 9, 2020, Respondent used dangerous drugs to the extent or in a manner dangerous or injurious to oneself or others, as alleged above in paragraph 13.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIRD CAUSE FOR DISCIPLINE

(Drug Related Conviction)

15. Respondent is subject to disciplinary action under Code section 4301(k), on the grounds of unprofessional conduct, in that on or about February 9, 2021, Respondent was convicted of a felony involving the use, consumption, or self-administration of any drug, as alleged above in paragraph 13.

DISCIPLINE CONSIDERATIONS

16. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about November 17, 2016, in a prior criminal proceeding titled *The People of the State of California vs. Patrick Evan Sandoval*, in Superior Court of California, County of Los Angeles, Case Number 6PC04484, Respondent was convicted of violating Vehicle Code section 23152(b) (driving with a 0.08% blood alcohol content), a misdemeanor. Respondent admitted as true the special allegation pursuant to Vehicle Code section 23578 (BAC 0.15%). Respondent was placed on probation for 36 months with terms and conditions, ordered to complete a three month licensed first-offender alcohol and other drug education and counseling program, complete the hospital and morgue program, victim impact program, and 13 days of community labor. The record of the criminal proceeding is final.

The circumstances surrounding the conviction are that on or about August 13, 2016, a Pomona Police Department officer was dispatched to a solo vehicle collision involving Respondent. Upon speaking to Respondent, the officer noticed the odor of an alcoholic beverage emitting from his breath and person, bloodshot and watery eyes, swaying back and forth, and slurred speech. Respondent admitted to consuming alcoholic beverages prior to driving. Respondent submitted to a breath sample that revealed a blood alcohol concentration of 0.17% on the first reading and 0.17% on the second reading.

///
///
///
///

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. Revoking or suspending Pharmacy Technician Registration Number TCH 156612, issued to Patrick Evan Sandoval;

2. Ordering Patrick Evan Sandoval 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: 9/10/2021

Signature on File

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

LA2021602684
64358627_2.docx