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

In the Matter of the Accusation Against:

ANGELA SUZANNE PADILLA
1260 Raintree Lane
San Jacinto, CA 92582

Pharmacy Technician Registration No. TCH
127163

Respondent.

Case No. 7246

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 4, 2022, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7246 against Angela Suzanne Padilla (Respondent). (Accusation attached as Exhibit A.)
2. On or about September 3, 2020, the Board issued Pharmacy Technician Registration No. TCH 127163 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7246, and expired on April 1, 2022. However, under Business and Professions Code sections 118, subdivision (b), and 4300.1, this lapse in licensure does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1 3. On or about May 5, 2022, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7246, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is: 1260 Raintree Lane, San Jacinto, CA 92582.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business and Professions Code section
9 124.

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

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

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
18 waived her right to a hearing on the merits of Accusation No. 7246.

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

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

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 finds that the charges and allegations in Accusation No. 7246, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,540.29
as of June 10, 2022.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Angela Suzanne Padilla has
3 subjected her Pharmacy Technician Registration No. TCH 127163 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 Pharmacy Technician
6 Registration based upon the following violations alleged in the Accusation which are supported
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Respondent’s license is subject to discipline for unprofessional conduct under Code
9 section 4301, subdivision (j), in that on May 13, 2021, Respondent possessed a controlled
10 substance, Methamphetamine, without a valid prescription in violation of California Uniform
11 Controlled Substances Act (Health and Safety Code Sections 11000, *et. Seq.*), as detailed in
12 paragraphs 14-15 of the Accusation.

13 b. Respondent’s license is subject to discipline for unprofessional conduct under Code
14 section 4301, subdivision (o), in that on May 13, 2021, Respondent knowingly and willfully
15 violated Code section 4060 and Health and Safety Code section 11350(a) regulating controlled
16 substances and dangerous drugs, as detailed in paragraphs 14-15 of the Accusation.

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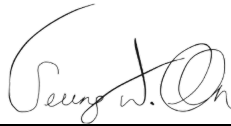
ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 127163, issued to Respondent Angela Suzanne Padilla, 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 August 24, 2022.

It is so ORDERED on July 25, 2022.



Seung W. Oh, Pharm.D.
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

83455395.DOCX
DOJ Matter ID:SD2022800355

Attachment:
Exhibit A: Accusation No. 7246

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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 7246

14 **ANGELA SUZANNE PADILLA**
15 **1260 Raintree Lane**
San Jacinto, CA 92582

ACCUSATION

16 **Pharmacy Technician Registration No. TCH**
17 **127163**

Respondent.

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20 **PARTIES**

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

23 2. On or about September 3, 2020, the Board issued Pharmacy Technician Registration
24 Number TCH 127163 to Angela Suzanne Padilla (Respondent). The Pharmacy Technician
25 Registration expired on April 1, 2022, and has not been renewed.

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JURISDICTION

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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. Code section 118, subdivision (b) provides that the suspension, expiration, surrender,
6 or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
7 disciplinary action during the period within which the license may be renewed, restored, reissued
8 or reinstated.

9 5. Code section 4300 states, in pertinent part:

10 (a) Every license issued may be suspended or revoked.

11 (b) The board shall discipline the holder of any license issued by the board, whose
12 default has been entered or whose case has been heard by the board and found guilty,
by any of the following methods:

13 (1) Suspending judgment.

14 (2) Placing him or her upon probation.

15 (3) Suspending his or her right to practice for a period not exceeding one year.

16 (4) Revoking his or her license.

17 (5) Taking any other action in relation to disciplining him or her as the board
18 in its discretion may deem proper.

19 ...

20 (e) The proceedings under this article shall be conducted in accordance with
21 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
22 Code, and the board shall have all the powers granted therein. The action shall be final,
except that the propriety of the action is subject to review by the superior court pursuant
to Section 1094.5 of the Code of Civil Procedure.

23 6. Code section 4300.1 states:

24 The expiration, cancellation, forfeiture, or suspension of a board-issued license
25 by operation of law or by order or decision of the board or a court of law, the placement
26 of a license on a retired status, or the voluntary surrender of a license by a 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.

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STATUTORY PROVISIONS

7. Section 4022 of the Code states:

“Dangerous drug” or “dangerous device” means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: “Caution: federal law prohibits dispensing without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution: federal law restricts this device to sale by or on the order of a _____,” “Rx only,” or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

8. 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:

...

(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.

...

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

...

9. Code section 4060 provides, in pertinent part, that no person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

10. Health and Safety Code section 11350, subdivision (a) states in pertinent part that every person who possesses any controlled substance without a written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment in a county jail.

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1 **REGULATORY PROVISIONS**

2 11. California Code of Regulations, title 16, section 1770, states:

3 For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
5 Professions Code, a crime or act shall be considered substantially related to the
6 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.

7 **COST RECOVERY**

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

14 **DRUG**

15 13. Methamphetamine is a Schedule II controlled substance as designated by Health and
16 Safety Code section 11055, subdivision (d), and is a dangerous drug pursuant to Business and
17 Professions Code section 4022.

18 **FACTUAL ALLEGATIONS**

19 14. On May 13, 2021, a deputy with the Riverside County Sheriff's Department was
20 dispatched to a residence in the City of San Jacinto in order to serve a narcotics-related search
21 warrant. During the search, the deputy located Respondent in the garage of the residence.
22 Respondent was in possession of a purse which contained 3.2 grams of field tested positive
23 Methamphetamine. Another individual, C.C., was located in the bedroom, and a search of the
24 bedroom recovered .6 grams of field tested positive Methamphetamine. Subsequently,
25 Respondent and C.C. were arrested for Possession of Controlled Substance.

26 15. On July 16, 2021, in a criminal proceeding titled *The People of the State of California*
27 *v. Angela Suzane Padilla, et al.*, in Riverside County Superior Court, Case No. BAM2102236, the
28 Riverside County District Attorney's Office filed a Misdemeanor Complaint and Notice to

1 Appear against Respondent and C.C. charging Respondent with one misdemeanor count of
2 violating Health and Safety Code section 11377, subdivision (a) for her willful and unlawful
3 possession of a controlled substance, to wit: Methamphetamine, on May 13, 2021. During
4 pretrial proceedings, on September 23, 2021, the Court referred Respondent to complete an 18-
5 month Drug Diversion Program (Diversion Program) pursuant to Penal Code section 1000.2, and
6 ordered her to pay Diversion Program fees. On October 25, 2021, Respondent failed to appear
7 for an enrollment hearing and the Diversion Program was terminated; however, the Court
8 reinstated the Diversion Program effective November 19, 2021. Respondent was ordered to
9 provide proof of Diversion Program enrollment by May 19, 2022 and proof of Diversion Program
10 completion by November 21, 2022.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct – Violating Laws Regulating Controlled Substances and**
13 **Dangerous Drugs)**

14 16. Respondent’s license is subject to discipline for unprofessional conduct under Code
15 section 4301, subdivision (j), in that on May 13, 2021, Respondent possessed a controlled
16 substance, Methamphetamine, without a valid prescription in violation of California Uniform
17 Controlled Substances Act (Health and Safety Code Sections 11000, *et. Seq.*), as detailed in
18 paragraphs 14-15, above.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct - Violation of Chapter**

21 17. Respondent’s license is subject to discipline for unprofessional conduct under Code
22 section 4301, subdivision (o), in that on May 13, 2021, Respondent knowingly and willfully
23 violated Code section 4060 and Health and Safety Code section 11350(a) regulating controlled
24 substances and dangerous drugs, as detailed in paragraphs 14-15, above.

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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 127163, issued to Respondent Angela Suzanne Padilla;
2. Ordering Respondent Angela Suzanne Padilla 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: 5/4/2022

Signature on File

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

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Accusation.docx