

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

In the Matter of the Accusation Against:

RODOLFO EDUARDO TOVAR

Pharmacy Technician Registration No. TCH 177126

Respondent.

Agency Case No. 7253

DECISION AND ORDER

The attached Stipulated Surrender of License and Order 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 August 4, 2022.

It is so ORDERED on July 5, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large, sweeping initial "S".

Seung W. Oh, Pharm D.
Board President

1 ROB BONTA
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
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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. 7253

13 **RODOLFO EDUARDO TOVAR**
1656 E. Highland Street
14 **Ontario, CA 91764**

15 **Pharmacy Technician Registration No. TCH**
177126

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 Respondent.
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Rob Bonta, Attorney General of the State of California, by Kim Kasreliovich, Supervising
24 Deputy Attorney General.

25 2. Rodolfo Eduardo Tovar (Respondent) is representing himself in this proceeding and
26 has chosen not to exercise his right to be represented by counsel.

27 ///

28 ///

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
2 Respondent's license history with the Board. Respondent understands and agrees that for purposes
3 of Business and Professions Code section 4307, this surrender shall be construed the same as
4 revocation.

5 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California
6 as of the effective date of the Board's Decision and Order.

7 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
8 issued, his wall certificate on or before the effective date of the Decision and Order.

9 4. If Respondent ever applies for licensure or petitions for reinstatement in the State of
10 California, the Board shall treat it as a new application for licensure. Respondent must comply
11 with all the laws, regulations and procedures for licensure in effect at the time the application or
12 petition is filed, and all of the charges and allegations contained in Accusation No. 7253 shall be
13 deemed to be true, correct and admitted by Respondent when the Board determines whether to
14 grant or deny the application or petition.

15 5. Respondent shall pay the agency its costs of investigation and enforcement in the
16 amount of \$1,497.50 prior to issuance of a new or reinstated license.

17 6. Respondent shall not apply for any health care license or certification in the State of
18 California for three (3) years. If Respondent should ever apply or reapply for a new license or
19 certification, or petition for reinstatement of a license, by any other health care licensing agency
20 in the State of California, all of the charges and allegations contained in Accusation, No. 7253
21 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
22 of Issues or any other proceeding seeking to deny or restrict licensure.

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
RODOLFO EDUARDO TOVAR
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____
Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

KIM KASRELIOVICH
Supervising Deputy Attorney General
Attorneys for Complainant

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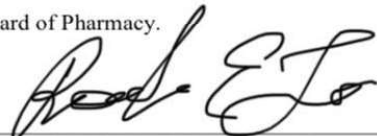
From: [Rodolfo Tovar](#)
To: [Cynthia McCune](#)
Date: Saturday, May 21, 2022 12:15:14 AM

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 5/21/22 
RODOLFO EDUARDO TOVAR
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 5/21/22
Respectfully submitted,
ROB BONTA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

TIM KASHEVLOVICH
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7253

1 ROB BONTA
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2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 KIM KASRELIOVICH
Supervising Deputy Attorney General
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13 **RODOLFO EDUARDO TOVAR**
14 **1656 E. Highland Street**
Ontario, CA 91764

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **177126**

17 Respondent.

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 March 24, 2020, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 177126 to Rodolfo Eduardo Tovar (Respondent). The Pharmacy
24 Technician Registration expired on August 31, 2021, and has not been renewed.

25 **JURISDICTION**

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

1 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
2 surrender, or cancellation of a license shall not deprive the Board, Registrar, or Director of
3 jurisdiction to proceed with a disciplinary action during the period within which the license may
4 be renewed, restored, reissued or reinstated.

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

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

12 **STATUTORY PROVISIONS AND REGULATORY PROVISIONS**

13 7. 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 8. Section 4301 of the Code states:

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 (i) The conviction of a crime substantially related to the qualifications,
26 functions, and duties of a licensee under this chapter. The record of conviction of a
27 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
States Code regulating controlled substances or of a violation of the statutes of this
28 state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may

1 inquire into the circumstances surrounding the commission of the crime, in order to
2 fix the degree of discipline or, in the case of a conviction not involving controlled
3 substances or dangerous drugs, to determine if the conviction is of an offense
4 substantially related to the qualifications, functions, and duties of a licensee under this
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
6 contendere is deemed to be a conviction within the meaning of this provision. The
7 board may take action when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under
10 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
11 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
12 dismissing the accusation, information, or indictment.

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

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

12 **COST RECOVERY**

13 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Conviction of a Substantially Related Crime)**

19 11. Respondent is subject to disciplinary action under Code section Respondent is subject
20 to disciplinary action under sections 490 and 4301, subdivision (l), in conjunction with California
21 Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime
22 substantially related to the qualifications, functions, and duties of a pharmacy technician.
23 Specifically, on or about January 5, 2022, after a plea of nolo contendere, Respondent was
24 convicted of one (1) misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
25 (driving while having 0.08 or greater blood alcohol content (BAC)) in the criminal proceeding
26 entitled: *The People of the State of California v. Rodolfo Eduardo Tovar* (Super. Ct. Los Angeles
27 County, 2021, No. 1PC01906). The court sentenced Respondent to serve one (1) day in jail and
28 placed him on three (3) years of probation with terms and conditions. The circumstances

1 surrounding the conviction are that on or about August 22, 2021, officers were dispatched to a
2 traffic collision where Respondent crashed into a tree in the center divider. Upon contact with
3 officers, Respondent admitted he had consumed three (3) “adios” alcoholic mixed drinks and
4 acknowledged he had too many alcoholic beverages prior to operating his motor vehicle.
5 Respondent sustained injuries and was transported to the hospital. He submitted to a blood test,
6 which resulted in a BAC of 0.14 percent.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Dangerous Use of Alcohol)**

9 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
10 that on or about August 22, 2021, Respondent used alcoholic beverages to the extent or in a
11 manner as to be dangerous or injurious to himself, another person, or to the public. Complainant
12 refers to, and by this reference incorporates, the allegations set forth above in paragraph 11, as
13 though set forth fully.

14 **PRAYER**

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 177126,
18 issued to Rodolfo Eduardo Tovar;
- 19 2. Ordering Rodolfo Eduardo Tovar to pay the Board of Pharmacy the reasonable costs
20 of the investigation and enforcement of this case, pursuant to Business and Professions Code
21 section 125.3; and,
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 3/24/2022

Signature on File

25 ANNE SODERGREN
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

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