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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. 7307

13 **JOSE SANTOS ZELEDON, JR.**
14 **6130 Monterey Rd., #302**
San Jose, CA 95128

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician License No. TCH**
16 **63820**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about February 19, 2024, Complainant Anne Sodergren (Complainant), in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs, filed Accusation No. 7307 against Jose Santos Zeledon, Jr. (Respondent)
22 before the Board of Pharmacy. (Accusation attached as Exhibit A.)

23 2. On or about July 8, 2005, the Board issued Pharmacy Technician License No. TCH
24 63820 to Respondent. The Pharmacy Technician License expired on May 31, 2023, and has not
25 been renewed.

26 3. On or about February 22, 2024, Respondent was served by Certified and First Class
27 Mail copies of the Accusation No. 7307, Statement to Respondent, Notice of Defense, Request
28 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and

1 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
2 section 4100, is required to be reported and maintained with the Board. Respondent's address of
3 record was and is:

4 6130 Monterey Rd., #302
5 San Jose, CA 95128

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

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

10 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. 7307.

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

19 If the respondent either fails to file a notice of defense . . . or to appear at the
20 hearing, the agency may take action based upon the respondent's express admissions
21 or upon other evidence and affidavits may be used as evidence without any notice to
22 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 finds that the charges and allegations in Accusation No. 7307, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Enforcement are \$1,855.00 as of March 28,
2024.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Jose Santos Zeledon, Jr., has

1 subjected his Pharmacy Technician License No. TCH 63820 to discipline.

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

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

6 a. Unprofessional Conduct - Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit,
7 or Corruption in violation of Business and Professions Code section 4301, subdivision (f) and
8 California Code of Regulations, title 16, section 1770.

9 **ORDER**

10 IT IS SO ORDERED that Pharmacy Technician License No. TCH 63820, issued to
11 Respondent Jose Santos Zeledon, Jr., is revoked.

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

16 This Decision shall become effective at 5:00 p.m. on June 5, 2024.

17 It is so ORDERED on May 6, 2024.

18 FOR THE BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS
20 STATE OF CALIFORNIA

21
22
23 By



24 Seung W. Oh, Pharm.D.
25 Board President

26 91762345.DOCX
DOJ Matter ID:OK2024900073

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 JULIANNE MOSSLER
Deputy Attorney General
4 State Bar No. 243749
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 879-1349
Facsimile: (510) 622-2270
7 E-mail: Julianne.Mossler@doj.ca.gov
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. 7307

14 **JOSE SANTOS ZELEDON, JR.,**
15 **6130 Monterey Rd., Apt. #302**
San Jose, CA 95128

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **63820**

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 (Board), Department of Consumer Affairs.

22 2. On or about July 8, 2005, the Board issued Pharmacy Technician License Number
23 TCH 63820 to Jose Santos Zeledon, Jr., (Respondent). The Pharmacy Technician License
24 expired on May 31, 2023, and has not been renewed.

25 **JURISDICTION**

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

1 4. Section 118, subdivision (b), of the Code, states:

2 The suspension, expiration, or forfeiture by operation of law of a license issued
3 by a board in the department, or its suspension, forfeiture, or cancellation by order of
4 the board or by order of a court of law, or its surrender without the written consent of
5 the board, shall not, during any period in which it may be renewed, restored, reissued,
6 or reinstated, deprive the board of its authority to institute or continue a disciplinary
7 proceeding against the licensee upon any ground provided by law or to enter an order
8 suspending or revoking the license or otherwise taking disciplinary action against the
9 licensee on any such ground.

10 5. Section 4011 of the Code states, in pertinent part: “The board shall administer and
11 enforce this chapter and the Uniform Controlled Substances Act (Division 10 (commencing with
12 Section 11000) of the Health and Safety Code).”

13 6. Section 4300 of the Code states in relevant part:

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

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

18 (1) Suspending judgment.

19 (2) Placing him or her upon probation.

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

21 (4) Revoking his or her license.

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

24 ...

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

30 7. Section 4300.1 of the Code states:

31 The expiration, cancellation, forfeiture, or suspension of a board-issued license
32 by operation of law or by order or decision of the board or a court of law, the
33 placement of a license on a retired status, or the voluntary surrender of a license by a
34 licensee shall not deprive the board of jurisdiction to commence or proceed with any
35 investigation of, or action or disciplinary proceeding against, the licensee or to render
36 a decision suspending or revoking the license.

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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:

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

COST RECOVERY

FACTUAL ALLEGATIONS

a) In 2002, Respondent's stepdaughter (V) and her mother (W) made a police report that resulted in Respondent's arrest. Charges were filed, but the case was eventually

1 dismissed (docket number CC268039).

2 b) On October 29, 2021, V informed the police that she had more information to add to
3 her case, and she asked to have her case reopened. V reported multiple additional
4 incidents that occurred after 2002, so a new case number was generated (SJ 2021-
5 213129704).

6 c) W reported that, in 2002, when V was in second grade, V disclosed that Respondent
7 touched her private parts. W and V made a police report, and Respondent was
8 arrested, but not convicted. W and V moved to another city after that case, but W
9 Respondent began talking again in 2003, and restarted their relationship in 2004. W
10 and V moved back to San Jose in 2005.

11 d) One day, when V was in middle school, W noticed that Respondent was recording
12 with a camera. W suspected Respondent was recording V, because W saw
13 Respondent place tape over the flashing red light of the camera when he thought W
14 was sleeping.

15 e) When W asked V if Respondent was recording her, V started crying and said yes, and
16 that it had been happening for a long time.

17 f) Later, V found the camera in her bathroom. W confronted Respondent about the
18 camera, and he told her he was sorry. W watched the camera footage, and noted that
19 Respondent was nude and placed the camera in the bathroom facing the shower.

20 g) Respondent moved out of the house, and V completed high school and college.
21 When V completed college, Respondent asked to move back in with W, and they
22 were living together as recently as September, 2021.

23 h) In December, 2021, V made a series of four pretext phone calls to Respondent.
24 During the phone calls, Respondent said that he did “horrible things” and admitted to
25 recording V in the shower, and touching V’s vagina. Respondent said that he did not
26 know why he did the things he did.

27 i) On March 30, 2022, Respondent was arrested, and booked into the main jail.

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct - Act Involving Moral Turpitude,
3 Dishonesty, Fraud, Deceit, or Corruption)

4 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (f)
5 and California Code of Regulations, title 16, section 1770, in that he demonstrated unprofessional
6 conduct by committing acts of moral turpitude. The circumstances are set forth in paragraph 11,
7 above.

8 **PRAYER**

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

11 1. Revoking Pharmacy Technician License Number TCH 63820, issued to Jose Santos
12 Zeledon, Jr.;

13 2. Ordering Jose Santos Zeledon, Jr., to pay the Board of Pharmacy the reasonable costs
14 of the investigation and enforcement of this case, pursuant to Business and Professions Code
15 section 125.3; and, if placed on probation, the costs of probation monitoring; and,

16 3. Taking such other and further action as deemed necessary and proper.
17

18 DATED: 2/19/2024

19 Sodergren,
20 Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.02.19 14:36:18
-08'00'

21 ANNE SODERGREN
22 Executive Officer
23 Board of Pharmacy
24 Department of Consumer Affairs
25 State of California
26 Complainant

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