

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

**In the Matter of the Accusation Against:**

**GABRIEL MORFIN, Respondent**

**Pharmacy Technician Registration No. TCH 151569**

**Agency Case No. 7387**

**OAH No. 2023050789**

**DECISION AND ORDER**

The attached Stipulated Surrender of License 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 March 15, 2024

It is so ORDERED on February 14, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light gray rectangular background.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General  
3 KEVIN W. BELL  
Deputy Attorney General  
4 State Bar No. 192063  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7511  
Facsimile: (916) 327-8643  
7 E-mail: Kevin.Bell@doj.ca.gov  
*Attorneys for Complainant*

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. 7387

13 **GABRIEL MORFIN**  
8612 N. Cedar Avenue  
Unit 101  
Fresno, CA 93720

OAH No. 2023050789

14 **STIPULATED SURRENDER OF**  
15 **LICENSE AND ORDER**

16 **Pharmacy Technician Registration No. TCH 151569**

Respondent.

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

19 **PARTIES**

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

23 2. Gabriel Morfin (Respondent) is representing himself in this proceeding and has  
24 chosen not to exercise his right to be represented by counsel.

25 3. On or about December 18, 2015, the Board issued Pharmacy Technician Registration  
26 No. TCH 151569 to Gabriel Morfin (Respondent). The Pharmacy Technician Registration was in  
27 full force and effect at all times relevant to the charges brought in Accusation No. 7387 and will  
28 expire on October 31, 2023, unless renewed.

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**CONTINGENCY**

11. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

**ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 151569, issued to Respondent Gabriel Morfin, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

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

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

4. If he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 7387 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$5,446.25 prior to issuance of a new or reinstated license.

6. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board's Decision and Order.

7. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. 7387 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

#### **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: \_\_\_\_\_

\_\_\_\_\_  
GABRIEL MORFIN  
*Respondent*

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

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DATED: 10-31-2023

# Gabriel Morfin

**GABRIEL MORFIN**  
*Respondent*

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**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  
ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General

KEVIN W. BELL  
Deputy Attorney General  
*Attorneys for Complainant*

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DATED: 10/31/2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General

*Kevin W. Bell*

KEVIN W. BELL  
Deputy Attorney General  
*Attorneys for Complainant*

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Morfin Surrender I.docx



**Exhibit A**

**Accusation No. 7387**

1 ROB BONTA  
Attorney General of California  
2 ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General  
3 KEVIN W. BELL  
Deputy Attorney General  
4 State Bar No. 192063  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7511  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 7387

12 **GABRIEL MORFIN**  
13 132 N. Echo Avenue  
Fresno, CA 93701

**ACCUSATION**

14 **Pharmacy Technician Registration No. TCH**  
15 **151569**

16 Respondent.

17  
18 **PARTIES**

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

21 2. On or about December 18, 2015, the Board issued Pharmacy Technician Registration  
22 Number TCH 151569 to Gabriel Morfin (Respondent). The Pharmacy Technician Registration  
23 was in full force and effect at all times relevant to the charges brought herein and will expire on  
24 October 31, 2023, unless 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.

4. Code section 4300, subdivision (a), states, “Every license issued may be suspended or revoked.”

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement 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.

## STATUTORY PROVISIONS

6. Code section 4301 states, in pertinent part:

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:

...

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

...

(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.

...

## COST RECOVERY

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

**FIRST CAUSE FOR DISCIPLINE**

**(Commission of Act Involving Moral Turpitude)**

8. Respondent has subjected his license to disciplinary action pursuant to Code section

1 4301, subdivision (f), by and through Code section 4301, subdivision (o), in that he committed an  
2 act of moral turpitude. The circumstances are as follows:

3 9. On or about February 3, 2020, an officer with the Fresno Police Department was  
4 dispatched to a confidential address based on a report of a sexual assault. The victim (V-1) stated  
5 that on the night of February 1, 2020, her friend, later identified as Respondent, had  
6 nonconsensual sexual intercourse with her while she was sleeping. On or about March 9, 2020,  
7 V-1 met with officers at the Fresno Police Department Headquarters. A pretext phone call was  
8 completed between V-1 and Respondent. During the conversation, Respondent admitted to  
9 having nonconsensual sexual intercourse with V-1 while she was asleep in her bed. On or about  
10 March 10, 2020, Respondent was arrested for violating Penal Code 261, subdivision (a)(2) (rape  
11 by force/fear) in Fresno County.

12 10. On or about August 31, 2022, the Fresno County District Attorney's Office filed the  
13 criminal case entitled *The People of the State of California vs. Gabriel Morfin* (Fresno County  
14 Sup. Ct. Case No. F229036698) against Respondent for violating Penal Code section 261,  
15 subdivision (a)(2) (rape by force/fear), and Penal Code section 261, subdivision (a)(4) (rape of an  
16 unconscious person), both felonies. An arrest warrant was issued on or about September 15, 2022.  
17 The criminal matter is still pending.

## 18 **SECOND CAUSE FOR DISCIPLINE**

### 19 **(Unprofessional Conduct)**

20 11. Respondent has subjected his license to disciplinary action pursuant to Code section  
21 4301, in that Respondent engaged in unprofessional conduct, as set forth more fully in paragraphs  
22 8 through 10 above, and incorporated by reference.

## 23 **PRAYER**

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

26 1. Revoking or suspending Pharmacy Technician Registration Number TCH 151569,  
27 issued to Gabriel Morfin;

28 ///

1           2.     Ordering Gabriel Morfin to pay the Board of Pharmacy the reasonable costs of the  
2 investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3; and,

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

5  
6     DATED: 4/15/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.04.15 06:10:44 -07'00'

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

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