

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

In the Matter of the Accusation Against:

JULIO GALLEGOS, Respondent

Pharmacy Technician Registration No. TCH 97175

Agency Case No. 7396

OAH No. 2023060050

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 February 21, 2024.

It is so ORDERED on January 22, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIANE VON DER AHE
Deputy Attorney General
4 State Bar No. 294767
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9463
7 Facsimile: (619) 645-2012
E-mail: Diane.VonDerAhe@doj.ca.gov
8 *Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

14 **JULIO GALLEGOS**
15 **917 E. 19th Street**
Santa Ana, CA 92706

16 **Pharmacy Technician License No. TCH**
17 **97175**

18 Respondent.

Case No. 7396

OAH No. 2023060050

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

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20
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
25 (Board). She brought this action solely in her official capacity and is represented in this matter by
26 Rob Bonta, Attorney General of the State of California, by Diane Von Der Ahe, Deputy Attorney
27 General.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7396, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
4 License No. TCH 97175 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Pharmacy Technician License without further process.

7 CONTINGENCY

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

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

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

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

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 97175, issued to Respondent Julio Gallegos, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Technician License 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 Respondent 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. 7396 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 not apply for licensure for three (3) years from the effective date of the Board's Decision and Order.

6. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$7,685.00 prior to applying for a new or reinstated license. No such application shall be considered until full payment is made.

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. 7396 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.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Pharmacy Technician License. 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: _____
JULIO GALLEGOS
Respondent

I have read and fully discussed with Respondent Julio Gallegos the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____
HERB L. WEINBERG
Attorney for 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
MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General

DIANE VON DER AHE
Deputy Attorney General
Attorneys for Complainant


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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Pharmacy Technician License. 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: 12/11/2023 
JULIO GALLEGOS
Respondent

I have read and fully discussed with Respondent Julio Gallegos the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 12/11/2023 
HERBL WEINBERG
Attorney for 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: 12/12/23 Respectfully submitted,
ROB BONTA
Attorney General of California
MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General

Diane Von Der Ahe
DIANE VON DER AHE
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 7396

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIANE VON DER AHE
Deputy Attorney General
4 State Bar No. 294767
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9463
7 Facsimile: (619) 645-2012
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. 7396

14 **JULIO GALLEGOS**
10421 Ballard Drive
15 Garden Grove, CA 92840

ACCUSATION

16 **Pharmacy Technician License No. TCH**
97175

17 Respondent.
18

19
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 February 23, 2010, the Board issued Pharmacy Technician License
24 Number TCH 97175 to Julio Gallegos (Respondent). The Pharmacy Technician License was in
25 full force and effect at all times relevant to the charges brought herein and will expire on
26 September 30, 2023, unless renewed.

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

7 5. Code section 4300.1 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 placement
10 of a license on a retired status, or the voluntary surrender of a license by a licensee shall
11 not deprive the board of jurisdiction to commence or proceed with any investigation
12 of, or action or disciplinary proceeding against, the licensee or to render a decision
13 suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Code section 482 states:

14 (a) Each board under this code shall develop criteria to evaluate the rehabilitation
15 of a person when doing either of the following:

16 (1) Considering the denial of a license by the board under Section 480.

17 (2) Considering suspension or revocation of a license under Section 490.

18 (b) Each board shall consider whether an applicant or licensee has made a
19 showing of rehabilitation if either of the following are met:

20 (1) The applicant or licensee has completed the criminal sentence at issue
21 without a violation of parole or probation.

22 (2) The board, applying its criteria for rehabilitation, finds that the applicant
23 is rehabilitated.

24 ...

25 (d) This section shall become operative on July 1, 2020.

26 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a
27 license on the ground that the licensee has been convicted of a crime substantially related to the
28 qualifications, functions, or duties of the business or profession for which the license was issued.

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8. Code section 493 states:

(a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact.

(b) (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

- (A) The nature and gravity of the offense.
- (B) The number of years elapsed since the date of the offense.
- (C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

...

(e) This section shall become operative on July 1, 2020.

9. Code section 4301 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:

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be 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.

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a 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 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 inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or

1 dangerous drugs, to determine if the conviction is of an offense substantially related to
2 the qualifications, functions, and duties of a licensee under this chapter. A plea or
3 verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a
4 conviction within the meaning of this provision. The board may take action when the
5 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal
or when an order granting probation is made suspending the imposition of sentence,
irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting
aside the verdict of guilty, or dismissing the accusation, information, or indictment.

6

7 **REGULATORY PROVISIONS**

8 10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

9 When considering the suspension or revocation of a facility or a personal
10 license on the ground that the licensee has been convicted of a crime, the board will
11 consider whether the licensee made a showing of rehabilitation and is presently fit for
12 a license, if the licensee completed the criminal sentence at issue without a violation
13 of parole or probation. In making this determination, the board will consider the
14 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the
15 criminal sentence at issue without a violation of parole or probation or the board
16 determines that the licensee did not make the showing of rehabilitation based on the
17 criteria in subdivisions (b)(1)(A) through (E), the board will apply the following
18 criteria in evaluating the licensee's rehabilitation:

14 (1) Nature and gravity of the act(s) or offenses.

15 (2) Total criminal record.

16 (3) The time that has elapsed since commission of the act(s) or offenses.

17 (4) Whether the licensee has complied with all terms of parole, probation,
18 restitution or any other sanctions lawfully imposed against the licensee.

19 (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

20 (6) Evidence, if any, of rehabilitation submitted by the licensee, including as
21 provided in the board's Disciplinary Guidelines, identified in section 1760.

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

23 (a) For the purpose of denial, suspension, or revocation of a personal or facility
24 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
25 Business and Professions Code, a crime, professional misconduct, or act shall be
26 considered substantially related to the qualifications, functions or duties of the
27 practice, profession, or occupation that may be performed under the license type
sought or held if to a substantial degree it evidences present or potential unfitness of
an applicant or licensee to perform the functions authorized by the license in a
manner consistent with the public health, safety, or welfare.

28 (b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

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- (1) The nature and gravity of the offense;
- (2) The number of years elapsed since the date of the offense; and
- (3) The nature and duties of the practice, profession, or occupation that may be performed under the license type sought or held.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:

- ...
- (5) Involve a conviction for driving under the influence of drugs or alcohol.

COST RECOVERY

12. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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 licentiate 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

(August 25, 2022 Criminal Conviction for DUI and Hit and Run on March 17, 2021)

13. Respondent has subjected his Pharmacy Technician Registration to disciplinary action under Code sections 490 and 4301, subdivision (l), because he was convicted of crimes that are substantially related to the qualifications, functions, and duties of a pharmacy technician. On August 25, 2022, in a criminal proceeding entitled *The People of the State of California v. Julio Gallegos*, in Orange County Superior Court, Case Number 21NM06789, Respondent pleaded guilty and was convicted of driving under the influence of alcohol (DUI) (Veh. Code, § 23152, subd. (a), driving a vehicle while having a blood alcohol concentration (BAC) of 0.08 percent or more (Veh. Code, § 23152, subd. (b); and hit and run with property damage (Veh. Code, § 20002, subd. (a)), all misdemeanors. The court imposed probation for three years, with standard alcohol conditions. Respondent was ordered to pay court fines and to complete a three-month First Conviction DUI Program and the Mothers Against Drunk Driving (MADD) Victim

1 Impact Panel. Respondent was ordered to serve 30 days in jail, however, the court stayed this
2 order pending successful completion of 30 days of community service.

3 14. The circumstances that led to the convictions are that on March 16, 2021, at about
4 11:10 p.m., officers with the California Highway Patrol responded to a reported hit and run
5 driver. A witness provided dispatch with the vehicle information and officers were able to locate
6 the vehicle while Respondent was driving at 90 mph. An officer approached the vehicle and
7 observed the driver, later identified as Respondent, and immediately detected the odor of an
8 alcoholic beverage emitting from Respondent's person. Respondent had red, watery eyes, and
9 slurred speech, and an empty alcoholic container on the driver floorboard. Respondent admitted
10 to consuming alcohol prior to driving. Assisting officers conducting the investigation determined
11 that Respondent collided with six vehicles and failed to stop and exchange information.
12 Respondent was arrest for DUI, Hit and Run and no proof of insurance. On March 17, 2021, at
13 approximately 1:13 a.m., Respondent provided a blood sample, which registered Respondent's
14 BAC result as .15%.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Alcohol on March 16, 2021)**

17 15. Respondent has further subjected his Pharmacy Technician Registration to
18 disciplinary action under Code sections 490 and 4301, subdivision (h), because he used alcohol in
19 a manner dangerous to himself and others, as set forth above in paragraphs 13 and 14 above,
20 incorporated herein by reference.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
23 and that following the hearing, the Board issue a decision:

24 1. Revoking or suspending Pharmacy Technician License Number TCH 97175, issued
25 to Julio Gallegos;

26 2. Ordering Julio Gallegos to pay the Board the reasonable costs of the investigation and
27 enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 1/20/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.01.20 06:43:26 -08'00'

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

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