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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. 7407

13 **MATTHEW ESTRADA**  
14 **1349 Grove Ave #F**  
**Imperial Beach, CA 91932**

**DEFAULT DECISION AND ORDER**

15 **Pharmacy Technician Registration No. TCH**  
16 **176010**

[Gov. Code, §11520]

17 Respondent.

18 **FINDINGS OF FACT**

19 1. On or about March 6, 2023, Complainant Anne Sodergren, in her official capacity as  
20 the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed  
21 Accusation No. 7407 against Matthew Estrada (Respondent) before the Board. (Accusation  
22 attached as Exhibit A.)

23 2. On or about January 10, 2020, the Board issued Pharmacy Technician Registration  
24 No. TCH 176010 to Respondent. The Pharmacy Technician Registration was in full force and  
25 effect at all times relevant to the charges brought in Accusation No. 7407 and will expire on  
26 August 31, 2023, unless renewed.

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1           3.     On or about March 16, 2023, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7407, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is: 1349 Grove Ave #F, Imperial Beach, CA 91932.

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  
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
13 parts of 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 him of the Accusation, and therefore  
18 waived his right to a hearing on the merits of Accusation No. 7407.

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

20                 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
21 the hearing, the agency may take action based upon the respondent's express  
22 admissions or upon other evidence and affidavits may be used as evidence without  
23 any notice to 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. 7407, 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 \$3,256.25  
as of April 5, 2023.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Matthew Estrada has subjected  
3 his Pharmacy Technician Registration No. TCH 176010 to discipline.

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

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

8 a. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in  
9 conjunction with California Code of Regulations, title 16, section 1770, in that on or about  
10 February 3, 2022, Respondent was convicted of violating Penal Code section 245, subdivision  
11 (a)(2) (assault with a firearm), a felony.

12 b. Respondent is subject to disciplinary action under Code section 4301(f), on the  
13 grounds of unprofessional conduct, in that on or about January 26, 2021, Respondent committed  
14 acts involving moral turpitude.

15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 176010, issued to  
17 Respondent Matthew Estrada, is revoked.

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

22 This Decision shall become effective at 5:00 p.m. on June 23, 2023.

23 It is so ORDERED on May 24, 2023.

24 

25 Seung W. Oh, Pharm.D.

26 Board President

27 FOR THE BOARD OF PHARMACY

28 DEPARTMENT OF CONSUMER AFFAIRS

83898674.DOCX/DOJ Matter ID:SD2022802739  
Attachment: Exhibit A: Accusation

# Exhibit A

Accusation

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*

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

12  
13 In the Matter of the Accusation Against:

Case No. 7407

14 **MATTHEW ESTRADA**  
1349 Grove Ave #F  
15 Imperial Beach, CA 91932

**ACCUSATION**

16 Pharmacy Technician Registration No. TCH  
176010

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 January 10, 2020, the Board issued Pharmacy Technician Registration  
24 Number TCH 176010 to Matthew Estrada (Respondent). The Pharmacy Technician Registration  
25 was in full force and effect at all times relevant to the charges brought herein and will expire on  
26 August 31, 2023, unless renewed.

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## **JURISDICTION**

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

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

5. Section 4300.1 of the Code 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. Section 482 of the Code states:

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

- (1) Considering the denial of a license by the board under Section 480.
- (2) Considering suspension or revocation of a license under Section 490.

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

- (1) The applicant or licensee has completed the criminal sentence at issue without a violation of parole or probation.
- (2) The board, applying its criteria for rehabilitation, finds that the applicant is rehabilitated.

(c) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

- (1) The State Athletic Commission.
- (2) The Bureau for Private Postsecondary Education.
- (3) The California Horse Racing Board.
- (d) This section shall become operative on July 1, 2020.

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

5           8.     Section 4301 of the Code states:

6                 The board shall take action against any holder of a license who is guilty of  
7     unprofessional conduct or whose license has been issued by mistake. Unprofessional  
8     conduct shall include, but is not limited to, any of the following:

9                 ...

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

13                ...

14                (i) The conviction of a crime substantially related to the qualifications,  
15     functions, and duties of a licensee under this chapter. The record of conviction of a  
16     violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
17     States Code regulating controlled substances or of a violation of the statutes of this  
18     state regulating controlled substances or dangerous drugs shall be conclusive  
19     evidence of unprofessional conduct. In all other cases, the record of conviction shall  
20     be conclusive evidence only of the fact that the conviction occurred. The board may  
21     inquire into the circumstances surrounding the commission of the crime, in order to  
22     fix the degree of discipline or, in the case of a conviction not involving controlled  
23     substances or dangerous drugs, to determine if the conviction is of an offense  
24     substantially related to the qualifications, functions, and duties of a licensee under this  
25     chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
26     contendere is deemed to be a conviction within the meaning of this provision. The  
27     board may take action when the time for appeal has elapsed, or the judgment of  
28     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.

   ....

### **REGULATORY PROVISIONS**

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

   When considering the suspension or revocation of a facility or a personal license on  
   the ground that the licensee has been convicted of a crime, the board will consider whether  
   the licensee made a showing of rehabilitation and is presently fit for a license, if the  
   licensee completed the criminal sentence at issue without a violation of parole or probation.  
   In making this determination, the board will consider the criteria in subdivisions (b)(1)(A)  
   through (E). If the licensee has not completed the criminal sentence at issue without a  
   violation of parole or probation or the board determines that the licensee did not make the

showing of rehabilitation based on the criteria in subdivisions (b)(1)(A) through (E), the board will apply the following criteria in evaluating the licensee's rehabilitation:

- (1) Nature and gravity of the act(s) or offenses.
- (2) Total criminal record.
- (3) The time that has elapsed since commission of the act(s) or offenses.
- (4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.
- (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.
- (6) Evidence, if any, of rehabilitation submitted by the licensee, including as provided in the board's Disciplinary Guidelines, identified in section 1760.

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the 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.

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

- (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:

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.



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

### **COST RECOVERY**

11. Section 125.3 of the Code 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**

#### **(February 3, 2022 Criminal Conviction of Assault on January 26, 2021)**

12. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in conjunction with California Code of Regulations, title 16, section 1770, in that on or about February 3, 2022, in a criminal proceeding entitled *The People of the State of California vs. Matthew Estrada*, in Superior Court of California, County of San Diego, Case No. CS318174, Respondent was convicted of violating Penal Code section 245, subdivision (a)(2) (assault with a firearm), a felony. Respondent was sentenced to serve 180 days in jail. The court allowed Respondent to complete the term through the County Parole and Alternative Custody (CPAC) Program. Respondent was further placed on formal probation for a term of two (2) years, and ordered to stay away from the victim.

13. The circumstances surrounding the conviction are that on or about January 26, 2021, Coronado Police Department was dispatched to investigate a male suspect, later identified as Respondent, threatening the victim with a gun on a public bus. During the investigation, officers spoke with the victim, who indicated he got into a verbal argument with Respondent and went to talk to the bus driver. Respondent followed him and pointed a gun at the victim's face, threatening to kill him. The bus driver immediately stopped the bus. Respondent ran off the bus, and a short time later assisting officers located Respondent nearby. Officers located a fully loaded 40-caliber handgun inside Respondent's fanny pack along with a knife, and a second folding

knife which was worn on his waist. Respondent was subsequently arrested. The victim was taken to the scene, and positively identified Respondent.

**SECOND CAUSE FOR DISCIPLINE**

**(Acts Involving Moral Turpitude)**

14. Respondent is subject to disciplinary action under Code section 4301(f), on the grounds of unprofessional conduct, in that on or about January 26, 2021, Respondent committed acts involving moral turpitude, as alleged above in paragraph 11.

**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 176010, issued to Matthew Estrada;
2. Ordering Matthew Estrada to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 3/6/2023

Sodergren,  
Anne@DCA

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Sodergren, Anne@DCA  
Date: 2023.03.06 21:21:39  
-08'00'

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

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