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

In the Matter of the Accusation Against:  
  
**JUAN FRANCISCO SOLANO**  
**5311 7th Ave.**  
**Sacramento, CA 95820**  
  
**Pharmacy Technician License No. TCH**  
**140120**  
  
Respondent.

Case No. 7415  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about January 19, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7415 against Juan Francisco Solano (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 4, 2014, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 140120 to Respondent. The Pharmacy Technician License expired on May 31, 2022, and has not been renewed.

3. On or about January 30, 2023, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7415, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
4 record was and is: 5311 7th Ave., Sacramento, CA 95820.

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

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

8 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
9 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
10 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
11 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
12 discretion may nevertheless grant a hearing.

13 6. The Board takes official notice of its records and the fact that Respondent failed to  
14 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
15 waived his right to a hearing on the merits of Accusation No. 7415.

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

17 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
18 the hearing, the agency may take action based upon the respondent's express  
19 admissions or upon other evidence and affidavits may be used as evidence without  
20 any notice to respondent . . . .

21 8. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
24 finds that the charges and allegations in Accusation No. 7415, are separately and severally, found  
25 to be true and correct by clear and convincing evidence.

26 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,033.75  
27 as of March 22, 2023.

### 28 **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Juan Francisco Solano has  
subjected his Pharmacy Technician License No. TCH 140120 to discipline.

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



# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 KAREN R. DENVER  
Supervising Deputy Attorney General  
3 KATELYN E. DOCHERTY  
Deputy Attorney General  
4 State Bar No. 322028  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6277  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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. 7415

13 **JUAN FRANCISCO SOLANO**  
14 **5311 7th Ave.**  
**Sacramento, CA 95820**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **140120**

17 Respondent.

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22 **PARTIES**

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

25 2. On or about September 4, 2014, the Board of Pharmacy issued Pharmacy Technician  
26 License Number TCH 140120 to Juan Francisco Solano (Respondent). The Pharmacy Technician  
27 License expired on May 31, 2022, and has not been renewed.

28 ///

1 **JURISDICTION**

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

5 4. Code section 4011 provides that the Board shall administer and enforce both the  
6 Pharmacy Law [Bus. & Prof. Code §§ 4000, *et seq.*] and the Uniform Controlled Substances Act  
7 [Health & Safety Code §§ 11000, *et seq.*].

8 5. Code section 4300 states, in pertinent part:

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

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

12 (1) Suspending judgment.

13 (2) Placing him or her upon probation.

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

15 (4) Revoking his or her license.

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

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

21 6. Code section 4300.1, states:

22 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
23 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  
24 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  
25 a decision suspending or revoking the license.

26 **STATUTORY PROVISIONS**

27 7. Section 4301 of the Code states, in pertinent part:

28 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.

...

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(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 dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the 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...

### **COST RECOVERY**

8. 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.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of Substantially Related Crimes)**

3 9. Respondent's license is subject to disciplinary action under Code section 4301,  
4 subdivision (l), in that he was convicted of crimes that are substantially related to the functions,  
5 qualifications and duties of a pharmacy technician. The circumstances are as follows.

6 10. On or about June 24, 2022, in the criminal matter titled *People v. Juan Francisco*  
7 *Solano*, Sacramento County Superior Court Case Number 21MI004943, Respondent was  
8 convicted on his plea of no contest to a misdemeanor violation of Vehicle Code section 23152,  
9 subdivision (b) (driving while having a blood alcohol content (BAC) of 0.08% or higher), with an  
10 admission to an enhancement under Vehicle Code section 23538, subdivision (b)(2) (having a  
11 BAC of 0.20% or higher). Respondent admitted to having a BAC of .38%. The court sentenced  
12 Respondent to serve 15 days in county jail (converted to 90 hours community service to be  
13 completed in Florida where Respondent currently resides) and placed him on probation for a  
14 period of three years. The underlying circumstances are as follows:

15 11. On or about March 6, 2021, officers with the Sacramento Police Department  
16 responded to a request for medical aid regarding a possible drunk driver. Officers made contact  
17 with the driver of the vehicle, who was identified as Respondent. A witness informed the officers  
18 that she had observed the driver in his car, slumped over the steering wheel with the keys in the  
19 ignition. Officers observed an odor of alcohol coming from Respondent, and noted that he had  
20 slurred speech and bloodshot, watery eyes. Respondent performed poorly on the field sobriety  
21 test, and after submitting to a breath alcohol screening, Respondent was arrested for driving under  
22 the influence.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Dangerous Use of Alcohol)**

25 12. Respondent's license is subject to disciplinary action under Code section 4301,  
26 subdivision (h), in that he administered to himself or otherwise used alcohol to an extent or in a  
27 manner as to be dangerous or injurious to himself and others, as alleged in greater detail above in  
28 paragraphs 10-11.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Conviction of Multiple Misdemeanors Involving Use, Consumption or Self-Administration**  
3 **of Alcohol)**

4 13. Respondent's license is subject to disciplinary action under Code section 4301,  
5 subdivision (k), in that he was convicted of more than one misdemeanor involving the use,  
6 consumption or self-administration of alcohol. In addition to the misdemeanor conviction  
7 alleged above in paragraph 10, which is incorporated herein by reference, Respondent sustained a  
8 prior misdemeanor conviction for driving under the influence as follows:

9 14. On or about March 10, 2010, in the criminal matter titled *People v. Juan Francisco*  
10 *Solano*, Contra Costa County Superior Court Case Number 01001466036, Respondent was  
11 convicted on his plea of no contest to driving while having a blood alcohol content of 0.08% or  
12 higher, in violation of Vehicle Code section 23152, subdivision (b).

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician License Number TCH 140120, issued  
17 to Juan Francisco Solano;
- 18 2. Ordering Juan Francisco Solano to pay the Board of Pharmacy the reasonable costs of  
19 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: 1/19/2023

24 Sodergren,  
25 Anne@DCA  
26 Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.01.19 08:37:00  
-08'00'  
\_\_\_\_\_  
27 ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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