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

In the Matter of the Accusation Against:

AIYANA RAMIREZ
8433 Vicki Drive
Whittier, CA 90606

Pharmacy Technician Registration No. TCH
142155

Respondent.

Case No. 7426

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 5, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7426 against Aiyana Ramirez (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On or about August 26, 2014, the Board issued Pharmacy Technician Registration No. TCH 142155 to Respondent. The Pharmacy Technician Registration expired on June 5, 2022, and has not been renewed.

3. On or about April 6, 2023, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7426, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

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

4 8433 Vicki Drive
5 Whittier, CA 90606.

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

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

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

14 6. The Board takes official notice of its records and the fact that Respondent failed to
15 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
16 waived her right to a hearing on the merits of Accusation No. 7426.

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

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

22 8. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
25 finds that the charges and allegations in Accusation No. 7426, are separately and severally, found
26 to be true and correct by clear and convincing evidence.

27 9. The Board finds that the actual costs for Investigation and Enforcement are \$2581.25
28 as of May 5, 2023.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Aiyana Ramirez has subjected
her Pharmacy Technician Registration No. TCH 142155 to discipline.

Exhibit A

Accusation

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Attorney General of California
2 THOMAS L. RINALDI
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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. 7426

13 **AIYANA RAMIREZ**
14 **8433 Vicki Drive**
Whittier, CA 90606

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **142155**

17 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 August 26, 2014, the Board issued Pharmacy Technician Registration
23 Number TCH 142155 to Aiyana Ramirez (Respondent). The Pharmacy Technician Registration
24 expired on February 28, 2022 and was canceled on June 5, 2022 pursuant to Business and
25 Professions Code section 4402(e).

26 **JURISDICTION**

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

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

3 5. Section 4300.1 of the Code states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued license
5 by operation of law or by order or decision of the board or a court of law, the
6 placement of a license on a retired status, or the voluntary surrender of a license by a
7 licensee shall not deprive the board of jurisdiction to commence or proceed with any
8 investigation of, or action or disciplinary proceeding against, the licensee or to render
9 a decision suspending or revoking the license.

8 **STATUTORY PROVISIONS AND REGULATORY PROVISIONS**

9 6. Section 490 of the Code provides, in pertinent part, that a board may suspend or
10 revoke a license on the ground that the licensee has been convicted of a crime substantially
11 related to the qualifications, functions, or duties of the business or profession for which the
12 license was issued.

13 7. Section 493 states:

14 Notwithstanding any other provision of law, in a proceeding conducted by a
15 board within the department pursuant to law to deny an application for a license or to
16 suspend or revoke a license or otherwise take disciplinary action against a person who
17 holds a license, upon the ground that the applicant or the licensee has been convicted
18 of a crime substantially related to the qualifications, functions, and duties of the
19 licensee in question, the record of conviction of the crime shall be conclusive
20 evidence of the fact that the conviction occurred, but only of that fact, and the board
21 may inquire into the circumstances surrounding the commission of the crime in order
22 to fix the degree of discipline or to determine if the conviction is substantially related
23 to the qualifications, functions, and duties of the licensee in question. As used in this
24 section, "license" includes "certificate," "permit," "authority," and "registration."

25 8. Section 4301 of the Code states:

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

29

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

33 . . .

34 (l) The conviction of a crime substantially related to the qualifications,
35 functions, and duties of a licensee under this chapter. The record of conviction of a
36 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United

1 States Code regulating controlled substances or of a violation of the statutes of this
2 state regulating controlled substances or dangerous drugs shall be conclusive
3 evidence of unprofessional conduct. In all other cases, the record of conviction shall
4 be conclusive evidence only of the fact that the conviction occurred. The board may
5 inquire into the circumstances surrounding the commission of the crime, in order to
6 fix the degree of discipline or, in the case of a conviction not involving controlled
7 substances or dangerous drugs, to determine if the conviction is of an offense
8 substantially related to the qualifications, functions, and duties of a licensee under this
9 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
10 contendere is deemed to be a conviction within the meaning of this provision. The
11 board may take action when the time for appeal has elapsed, or the judgment of
12 conviction has been affirmed on appeal or when an order granting probation is made
13 suspending the imposition of sentence, irrespective of a subsequent order under
14 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
15 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
16 dismissing the accusation, information, or indictment.

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

10 For the purpose of denial, suspension, or revocation of a personal or facility license
11 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
12 crime or act shall be considered substantially related to the qualifications, functions or duties of a
13 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
14 licensee or registrant to perform the functions authorized by his license or registration in a manner
15 consistent with the public health, safety, or welfare.

16 **COST RECOVERY**

17 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(May 17, 2022 Criminal Conviction for Taking Vehicle without Owner's Consent)**

23 11. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
24 (f) and California Code of Regulations, title 16, section 1770, in that Respondent was convicted
25 of crimes substantially related to the qualifications, functions, and duties of a pharmacy
26 technician, as follows:

27 a. On or about May 17, 2022, after her plea of nolo contendere, Respondent was
28 convicted of a felony count of violating Vehicle Code section 10851, subdivision (a) (take vehicle

1 without owner's consent) in the criminal proceeding titled: *The People of the State of California*
2 *v. Aiyana Nicole Ramirez* (Super. Ct. San Bernardino County, 2022, No. FWV22001267). The
3 court sentenced Respondent to serve 180-days in jail and placed her on 24-months of probation
4 with terms and conditions.

5 b. The circumstances surrounding the conviction are that on or about April 12, 2022,
6 officers observed Respondent driving at a high rate of speed and conducted a traffic stop. During
7 the investigation, Respondent was unable to locate the vehicle's registration and claimed the
8 vehicle belonged to her friend. Upon a record check of the vehicle, officers discovered the vehicle
9 was reported stolen. Officers inspected the vehicle and found that a key had been broken off
10 inside the ignition and a flathead screwdriver was being used in lieu of a key to operate the
11 engine. Officers contacted the owner of the vehicle who indicated Respondent did not have
12 permission to use the vehicle.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(May 17, 2022 Criminal Conviction for Multiple Identifying Information Theft)**

15 12. Respondent is subject to disciplinary action under section 4301, subdivision (f) and
16 California Code of Regulations, title 16, section 1444, in that Respondent was convicted of
17 crimes substantially related to the qualifications, functions, and duties of a pharmacy technician,
18 as follows:

19 a. On or about May 17, 2022, after her plea of nolo contendere, Respondent was
20 convicted of a felony count of violating Penal Code section 530.5, subdivision (c)(3) (multiple
21 identifying information theft) in the criminal proceeding titled: *The People of the State of*
22 *California v. Aiyana Nicole Ramirez* (Super. Ct. San Bernardino County, 2021, No.
23 FWV21004427). The court sentenced Respondent to serve 180-days in jail and placed her on 24-
24 months of probation with terms and conditions. Further, the court ordered Respondent to attend
25 Narcotics Anonymous/Alcohol Anonymous meetings and she was ordered to neither use nor
26 possess any controlled substances, unless prescribed by a medical professional. The sentencing
27 was to run concurrent with San Bernardino Superior Court Case No. FWV22001267.

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PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 142155, issued to Aiyana Ramirez;
2. Ordering Aiyana Ramirez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 4/5/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.04.05 07:54:28
-07'00'

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

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