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

In the Matter of the Accusation Against:  
  
**SAUL ANTONIO ACEVES TAMAYO**  
13500 El Cajon Rd  
Desert Hot Springs, CA 92240  
  
Pharmacy Technician Registration  
No. TCH 168766  
  
Respondent.

Case No. 7428  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about February 9, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7428 against Saul Antonio Aceves Tamayo (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about February 6, 2019, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 168766 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7428 and expired on February 28, 2023. This lapse in licensure, however, pursuant to Business and

1 Professions Code section 118, subdivision (b) and/or 4300.1 does not deprive the Board of its  
2 authority to institute or continue this disciplinary proceeding.

3 3. On or about February 21, 2023, Respondent was served by Certified and First Class  
4 Mail copies of the Accusation No. 7428, Statement to Respondent, Notice of Defense, Request  
5 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
6 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
7 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
8 record was and is: 13500 El Cajon Rd, Desert Hot Springs, CA 92240.

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

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

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

17 6. The Board takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
19 waived his right to a hearing on the merits of Accusation No. 7428.

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

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 finds that the charges and allegations in Accusation No. 7428, are separately and severally, found  
to be true and correct by clear and convincing evidence.

9. The Board finds that the actual costs for Investigation and Enforcement are \$1,600.29  
as of May 3, 2023.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Saul Antonio Aceves Tamayo  
3 has subjected his Pharmacy Technician Registration No. TCH 168766 to discipline.

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

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
6 Registration based upon the following violations alleged in the Accusation which are supported  
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:  
8 Business and Professions Code section 4301, subdivision (h), on the grounds of unprofessional  
9 conduct, in that on or about June 18, 2022, Respondent used alcoholic beverages to an extent or  
10 in a manner dangerous or injurious to himself, any person, or the public.

11 **ORDER**

12 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 168766, issued to  
13 Respondent Saul Antonio Aceves Tamayo, is revoked.

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

18 This Decision shall become effective at 5:00 p.m on July 7, 2023.

19 It is so ORDERED on June 7, 2023.

20 BOARD OF PHARMACY  
21 DEPARTMENT OF CONSUMER AFFAIRS  
22 STATE OF CALIFORNIA

23 By



24 \_\_\_\_\_  
25 Seung W. Oh, Pharm D.  
26 Board President

24 65926188.DOCX  
25 DOJ Matter ID:LA2022604425

26 Attachment:  
27 Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 KIM KASRELIOVICH  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6310  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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. 7428

13 **SAUL ANTONIO ACEVES TAMAYO**

**ACCUSATION**

14 13500 El Cajon Rd  
Desert Hot Springs, CA 92240

15 Pharmacy Technician Registration  
No. TCH 168766

16 Respondent.  
17

18 **PARTIES**

19  
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 February 6, 2019, the Board issued Pharmacy Technician Registration  
23 Number TCH 168766 to Saul Antonio Aceves Tamayo (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on February 28, 2023, unless renewed.

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 provides in pertinent part, that every license issued by the Board is  
2 subject to discipline, including suspension or revocation.

3 5. Section 4300.1 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.

### **STATUTORY PROVISIONS**

8 6. Section 4301 states, in pertinent part:

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

12 . . . .

13 (h) The administering to oneself, of any controlled substance, or the use of any  
14 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
15 dangerous or injurious to oneself, to a person holding a license under this chapter, or  
16 to any other person or to the public, or to the extent that the use impairs the ability of  
17 the person to conduct with safety to the public the practice authorized by the license.

### **REGULATORY PROVISIONS**

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

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

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

24 (1) The nature and gravity of the offense;

25 (2) The number of years elapsed since the date of the offense; and

26 (3) The nature and duties of the practice, profession, or occupation that may be  
27 performed under the license type sought or held.

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

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

3 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
4 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.

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

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

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

10 **COST RECOVERY**

11 8. Section 125.3 states, in pertinent part, that the Board may request the administrative  
12 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
13 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
14 case.

15 **CAUSE FOR DISCIPLINE**

16 **(Dangerous Use of Alcohol)**

17 9. Respondent is subject to disciplinary action under section 4301, subdivision (h), on  
18 the grounds of unprofessional conduct, in that Respondent used alcoholic beverages to an extent  
19 or in a manner dangerous or injurious to himself, any person, or the public. Specifically, on or  
20 about June 18, 2022 at approximately 10:10 p.m., police officers initiated a traffic enforcement  
21 stop after observing Respondent's vehicle traveling at a high rate of speed. While speaking to  
22 Respondent, officers detected a strong odor of alcohol emitting from within the vehicle and  
23 observed a beer can on the right front passenger floorboard. Respondent's speech was slurred  
24 and his eyes were red and watery. Respondent admitted to drinking four to five beers prior to  
25 driving. While at the scene, Respondent submitted to a series of field sobriety tests, which he was  
26 unable to perform as indicated. At 11:10 p.m., during the booking procedure, Respondent  
27 submitted to a blood test that revealed a blood alcohol content level of 0.24%. As a result,  
28 criminal charges were filed on August 30, 2022 in the criminal proceeding entitled *The People of*

1 *the State of California v. Saul Antonio Acevestamayo* (Super. Ct. Riverside County, 2022, No.  
2 INM2204556). On or about September 30, 2022, Respondent failed to appear at a scheduled  
3 court date as required and an arrest warrant was issued. As of the date of this action the warrant  
4 remains outstanding.

5 **DISCIPLINE CONSIDERATIONS**

6 10. To determine the degree of discipline, if any, to be imposed on Respondent,  
7 Complainant alleges, as follows: On or about July 7, 2016, after pleading guilty, Respondent was  
8 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (a)  
9 [driving under the influence of alcohol] and one misdemeanor count of violating Vehicle Code  
10 section 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his  
11 blood] in the criminal proceeding entitled *The People of the State of California v. Saul Antonio*  
12 *Acevestamayo* (Super. Ct. Riverside County, 2011, No. INM1064206). The court ordered  
13 Respondent complete a 3-month first offender DUI program and placed him on 3 years'  
14 probation, with terms and conditions.

15 **PRAYER**

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

- 18 1. Revoking or suspending Pharmacy Technician Registration Number TCH 168766,  
19 issued to Saul Antonio Aceves Tamayo;
- 20 2. Ordering Saul Antonio Aceves Tamayo to pay the Board of Pharmacy the reasonable  
21 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
22 Code section 125.3; and,
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 2/9/2023

Sodergren,  
Anne@DCA

Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.02.09 08:16:44 -08'00'

25 ANNE SODERGREN  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
*Complainant*

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