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

In the Matter of the Accusation Against:  
  
**YAHAIRA ARTEAGA RODRIGUEZ**  
**3014 Menlo Ave.**  
**San Diego, CA 92105**  
  
**Pharmacy Technician Registration No. TCH**  
**178759**  
  
Respondent.

Case No. 7469  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about January 1, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7469 against Yahaira Arteaga Rodriguez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 13, 2020, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 178759 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7469 and will expire on November 30, 2023, unless renewed.

1           3.     On April 20, 2023, Respondent was served by Certified and First Class Mail copies of  
2 the Accusation No. 7469, Statement to Respondent, Notice of Defense, Request for Discovery,  
3 and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 3014 Menlo Avenue, San Diego, California 92105.

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

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

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

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
17 waived her right to a hearing on the merits of Accusation No. 7469.

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

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 finds that the charges and allegations in Accusation No. 7469, are separately and severally, found  
27 to be true and correct by clear and convincing evidence.

28           9.     The Board finds that the actual costs for Investigation and Enforcement are \$2,043.75  
as of May 19, 2023.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Yahaira Arteaga Rodriguez has  
3 subjected her Pharmacy Technician Registration No. TCH 178759 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 a. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
9 in that she behaved with unprofessional conduct.

10 **ORDER**

11 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 178759, issued to  
12 Respondent Yahaira Arteaga Rodriguez, is revoked.

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

17 This Decision shall become effective at 5:00 p.m. on July 26, 2023.

18 It is so ORDERED on June 26, 2023.

19 

20 \_\_\_\_\_  
21 Seung W. Oh, Pharm.D.  
22 Board President  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

23 DEFAULT DECISION ADA COMPLIANT FORMAT.DOCX  
24 DOJ Matter ID:SD2023800463

25 Attachment:  
26 Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 ERIN M. SUNSERI  
Supervising Deputy Attorney General  
3 AMIE J. FLYNN  
Deputy Attorney General  
4 State Bar No. 149600  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 738-9337  
7 Facsimile: (619) 645-2061  
*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. 7469

14 **YAHAIRA ARTEAGA RODRIGUEZ**  
15 **3014 Menlo Ave.**  
**San Diego, CA 92105**

**ACCUSATION**

16 **Pharmacy Technician Registration No.**  
17 **TCH 178759**

Respondent.

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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 October 13, 2020, the Board issued Pharmacy Technician Registration  
24 Number TCH 178759 to Yahaira Arteaga Rodriguez (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on November 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 4011 states:

6 The board shall administer and enforce this chapter and the Uniform  
7 Controlled Substances Act (Division 10 (commencing with Section 11000) of the  
8 Health and Safety Code).

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

10 6. Code section 4300.1 states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
12 by operation of law or by order or decision of the board or a court of law, the placement  
13 of a license on a retired status, or the voluntary surrender of a license by a licensee shall  
14 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.

15 **STATUTORY PROVISIONS**

16 7. Code section 4301 states:

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

19 ...

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

22 ....

23 **REGULATORY PROVISIONS**

24 8. California Code of Regulations, title 16, section 1770, subdivision (a), states:

25 For the purpose of denial, suspension, or revocation of a personal or facility  
26 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the  
27 Business and Professions Code, a crime, professional misconduct, or act shall be  
28 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

1 an applicant or licensee to perform the functions authorized by the license in a  
2 manner consistent with the public health, safety, or welfare.

3 **COST RECOVERY**

4 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
9 included in a stipulated settlement.

10 **FACTUAL ALLEGATIONS**

11 10. On July 10, 2022, at about 2:13 a.m., officers with the San Diego Police Department  
12 were on duty in the Sherman Heights neighborhood of the City of San Diego when they observed  
13 a male subject actively spray painting a wall near a freeway on-ramp. Officers also observed a  
14 running vehicle approximately 10 yards away blocking the freeway on-ramp. Officers attempted  
15 to detain both the male subject and the female driver of the vehicle, later identified as  
16 Respondent. An officer ordered Respondent to turn off the vehicle. As the officer approached  
17 the vehicle, Respondent began to slowly drive away before ultimately complying with the  
18 officer's command.

19 11. While speaking with Respondent, the officer noticed that Respondent was positioned  
20 in a manner in which she appeared to be concealing something. The officer ordered Respondent  
21 out of the vehicle and observed a firearm in the driver's side door pocket and another firearm  
22 tucked between the driver's seat and the middle console, both in plain sight. Officers recovered  
23 the two firearms, both were un-serialized, and one was loaded with six rounds of ammunition.  
24 Officers also located an additional empty 10 round magazine inside the center console.

25 12. Respondent was arrested on multiple felony charges including participating in a  
26 criminal street gang (Pen. Code, § 186.22(a)), vandalism (Pen. Code, § 594(b)(1)), conspiracy to  
27 commit a crime (Pen. Code, § 182(a)(1)), and carrying a loaded handgun – not registered owner  
28 (Pen. Code, § 25850(c)(6)).

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

DATED: 4/15/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.04.15 06:14:08  
-07'00'

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

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