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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. 7551

13 **STEPHANIE CANTU**  
14 **4405 Law Way**  
15 **Bakersfield, CA 93312**

**DEFAULT DECISION AND ORDER**

16 **Pharmacy Technician License No. TCH**  
17 **155681**

[Gov. Code, §11520]

18 Respondent.

19  
20 **FINDINGS OF FACT**

21 1. On or about July 24, 2023, Complainant Anne Sodergren, in her official capacity as  
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
23 Accusation No. 7551 against Stephanie Cantu (Respondent) before the Board of Pharmacy.  
24 (Accusation attached as Exhibit A.)

25 2. On or about August 30, 2016, the Board of Pharmacy (Board) issued Pharmacy  
26 Technician License No. TCH 155681 to Respondent. The Pharmacy Technician License was in  
27 full force and effect at all times relevant to the charges brought in Accusation No. 7551 and will  
28 expire on March 31, 2024, unless renewed.

1           3.     On or about July 28, 2023, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 7551, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, 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:

7 4405 Law Way

8 Bakersfield, CA 93312.

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 her of the Accusation, and therefore  
19 waived her right to a hearing on the merits of Accusation No. 7551.

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. 7551, 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 \$3,082.50  
as of October 25, 2023.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Stephanie Cantu has subjected  
3 her Pharmacy Technician License No. TCH 155681 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 License 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. April 11, 2023, Conviction of a Substantially Related Crime – Attempted Murder,  
9 violating Business and Professions Code sections 490, 4300, and 4301, subdivision (l), in  
10 conjunction with California Code of Regulations, title 16, section 1770.

11 b. Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption, violating  
12 Business and Professions Code sections 4300 and 4301, subdivision (f), on the grounds of  
13 unprofessional conduct.

14 **ORDER**

15 IT IS SO ORDERED that Pharmacy Technician License No. TCH 155681, issued to  
16 Respondent Stephanie Cantu, is revoked.

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

21 This Decision shall become effective at 5:00 p. m. on January 17, 2024.

22 It is so ORDERED on December 18, 2023.

23 BOARD OF PHARMACY DEPARTMENT  
24 OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

25  
26 66332639.DOCX  
DOJ Matter ID:LA2023601843

By



Seung W. Oh, Pharm. D.  
Board President

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Supervising Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6320  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
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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. 7551

13 **STEPHANIE CANTU**  
14 **4405 Law Way**  
**Bakersfield, CA 93312**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **155681**

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, Department of Consumer Affairs (Board).

22 2. On or about August 30, 2016, the Board of Pharmacy issued Pharmacy Technician  
23 License Number TCH 155681 to Stephanie Cantu aka Stefanie Cantu (Respondent). The  
24 Pharmacy Technician License was in full force and effect at all times relevant to the charges  
25 brought herein and will expire on March 31, 2024, 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, subdivision (a), states that “[e]very license issued may be suspended or  
2     revoked.”

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.

### 10                                 STATUTORY PROVISIONS

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

14           7.     Section 493 states, in pertinent part:

15                 (a) Notwithstanding any other law, in a proceeding conducted by a board within  
16                 the department pursuant to law to deny an application for a license or to suspend or  
17                 revoke a license or otherwise take disciplinary action against a person who holds a  
18                 license, upon the ground that the applicant or the licensee has been convicted of a  
19                 crime substantially related to the qualifications, functions, and duties of the licensee  
20                 in question, the record of conviction of the crime shall be conclusive evidence of the  
21                 fact that the conviction occurred, but only of that fact.

22                 (b) (1) Criteria for determining whether a crime is substantially related to the  
23                 qualifications, functions, or duties of the business or profession the board regulates  
24                 shall include all of the following:

25                         (A) The nature and gravity of the offense.

26                         (B) The number of years elapsed since the date of the offense.

27                         (C) The nature and duties of the profession.

28                 (2) A board shall not categorically bar an applicant based solely on the type of  
conviction without considering evidence of rehabilitation.

                       (c) As used in this section, “license” includes “certificate,” “permit,”  
“authority,” and “registration.” . . .

                       8.     Section 4301 states:

                       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:

                       . . . .

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

4 . . . .

5 (l) The conviction of a crime substantially related to the qualifications,  
6 functions, and duties of a licensee under this chapter. The record of conviction of a  
7 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
8 States Code regulating controlled substances or of a violation of the statutes of this  
9 state regulating controlled substances or dangerous drugs shall be conclusive  
10 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
11 be conclusive evidence only of the fact that the conviction occurred. The board may  
12 inquire into the circumstances surrounding the commission of the crime, in order to  
13 fix the degree of discipline or, in the case of a conviction not involving controlled  
14 substances or dangerous drugs, to determine if the conviction is of an offense  
15 substantially related to the qualifications, functions, and duties of a licensee under this  
16 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
17 contendere is deemed to be a conviction within the meaning of this provision. The  
18 board may take action when the time for appeal has elapsed, or the judgment of  
19 conviction has been affirmed on appeal or when an order granting probation is made  
20 suspending the imposition of sentence, irrespective of a subsequent order under  
21 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
22 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
23 dismissing the accusation, information, or indictment. . . .

## 24 **REGULATORY PROVISIONS**

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

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

## 29 **COST RECOVERY**

30 10. Section 125.3 provides that the Board may request the administrative law judge to  
31 direct a licensee found to have committed a violation or violations of the licensing act to pay a  
32 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

## 33 **FIRST CAUSE FOR DISCIPLINE**

34 **(April 11, 2023, Conviction of a Substantially Related Crime – Attempted Murder)**

35 11. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,  
36 subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the  
37 grounds of unprofessional conduct, in that Respondent was convicted of crimes substantially  
38

1 related to the qualifications, functions or duties of a pharmacy technician. The facts and  
2 circumstances are as follows:

3 a On or about April 11, 2023, Respondent was convicted of one felony count of  
4 violating Penal Code section 664/187(a) [attempted murder] in the criminal proceeding entitled  
5 *The People of the State of California v. Stefanie Cantu* (Super. Ct. Kern County, 2023, No.  
6 BF190405A). The Court sentenced Respondent to 22 years in prison.

7 b. The circumstances of the arrest leading to the conviction are that on or about June 9,  
8 2022, Respondent and the victim were in a motel's second floor hallway near guest rooms and  
9 became involved in a heated argument. The victim stepped toward Respondent. Respondent  
10 stepped back, retrieved a handgun from her sweatshirt, and pointed the gun at the victim, who  
11 jumped back. Respondent lowered her arms toward the floor, raised them again, pointing the gun  
12 at the victim, and once again, the victim jumped back. Both parties continued to argue. At some  
13 point the victim turned his back on Respondent and walked away, and Respondent shot him in the  
14 lower back, causing him to fall forward onto the floor. Respondent fled the scene leaving in her  
15 vehicle. Subsequently, Respondent called the victim and pressured him to drop the charges while  
16 he was in the hospital.

## 17 **SECOND CAUSE FOR DISCIPLINE**

### 18 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

19 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
20 subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts  
21 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by  
22 this reference incorporates the allegations set forth above in paragraph 11, inclusive, as though set  
23 forth fully.

## 24 **PRAYER**

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

27 1. Revoking or suspending Pharmacy Technician License Number TCH 155681, issued  
28 to Stephanie Cantu;



1           2.     Ordering Stephanie Cantu to pay the Board the reasonable costs of the investigation  
2 and enforcement of this case, pursuant to section 125.3; and,

3           3.     Taking such other and further action as deemed necessary and proper.  
4

5  
6     DATED: 7/24/2023

Sodergren, Anne@DCA Digitally signed by Sodergren, Anne@DCA  
Date: 2023.07.24 19:37:07 -07'00'

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

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