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

In the Matter of the Accusation Against:

WILLARD BARING ABAO
29122 Misty Point Ln.
Menifee, CA 92585

Pharmacy Technician License No.
TCH 158292

Respondent.

Case No. 7568

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 17, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation Number 7568 against Willard Baring Abao (Respondent). (Accusation attached as Exhibit A.)

2. On or about December 8, 2016, the Board issued Pharmacy Technician License Number TCH 158292 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation Number 7568 and will expire on September 30, 2024, unless renewed.

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1 3. On or about October 25, 2023, Respondent was served by Certified and First Class
2 Mail copies of the Accusation Number 7568, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at his address of record which, pursuant to Business and Professions Code section
5 4100, is required to be reported and maintained with the Board. Respondent's address of record
6 was and is: 29122 Misty Point Ln., Menifee, CA 92585.

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

10 5. Government Code section 11506, subdivision (c), states:

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

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
18 waived his right to a hearing on the merits of Accusation Number 7568.

19 7. California Government Code section 11520, subdivision (a), states:

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

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 finds that the charges and allegations in Accusation Number 7568, are separately and severally,
28 found to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$5,077.57
as of December 18, 2023.

///

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Willard Baring Abao has
3 subjected his Pharmacy Technician License Number TCH 158292 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
7 the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Respondent has subjected his pharmacy technician license to disciplinary action
9 under section 4301, subdivision (f), of the Code, for unprofessional conduct, in that he committed
10 acts involving moral turpitude, dishonesty, fraud, deceit or corruption.

11 b. Respondent has subjected his pharmacy technician license to disciplinary action
12 under sections 490 and 4301, subdivision (l), of the Code, in that he was convicted of crimes that
13 are substantially related to the qualifications, functions, and duties of a pharmacy technician.

14 **ORDER**

15 IT IS SO ORDERED that Pharmacy Technician License No. TCH 158292, issued to
16 Respondent Willard Baring Abao, 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 February 21, 2024.

22 It is so ORDERED on January 22, 2024.

23 

24 _____
25 Seung W. Oh, Pharm.D.
26 Board President
27 FOR THE BOARD OF PHARMACY
28 DEPARTMENT OF CONSUMER AFFAIRS

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27 Attachment:
28 Exhibit A: Accusation No. 7568

Exhibit A

Accusation No. 7568

(WILLARD BARING ABAO)

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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. 7568

14 **WILLARD BARING ABAO**
15 **29122 Misty Point Ln.**
Menifee, CA 92585

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **158292**

Respondent.

18
19
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 December 8, 2016, the Board issued Pharmacy Technician License
24 Number TCH 158292 to Willard Baring Abao (Respondent). The Pharmacy Technician License
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 September 30, 2024, unless renewed.

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28 ///

JURISDICTION

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

4. Section 4011 of the Code provides:

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

5. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

...

(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 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 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6. Section 4300.1 of the Code states:

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

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1 **STATUTORY PROVISIONS**

2 7. Section 490 of the Code states:

3 (a) In addition to any other action that a board is permitted to take against a
4 licensee, a board may suspend or revoke a license on the ground that the licensee has
5 been convicted of a crime, if the crime is substantially related to the qualifications,
6 functions, or duties of the business or profession for which the license was issued.

7 (b) Notwithstanding any other provision of law, a board may exercise any
8 authority to discipline a licensee for conviction of a crime that is independent of the
9 authority granted under subdivision (a) only if the crime is substantially related to the
10 qualifications, functions, or duties of the business or profession for which the
11 licensee's license was issued.

12 (c) A conviction within the meaning of this section means a plea or verdict of
13 guilty or a conviction following a plea of nolo contendere. An action that a board is
14 permitted to take following the establishment of a conviction may be taken when the
15 time for appeal has elapsed, or the judgment of conviction has been affirmed on
16 appeal, or when an order granting probation is made suspending the imposition of
17 sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code.

18 (d) The Legislature hereby finds and declares that the application of this section
19 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
20 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
21 number of statutes and regulations in question, resulting in potential harm to the
22 consumers of California from licensees who have been convicted of crimes.
23 Therefore, the Legislature finds and declares that this section establishes an
24 independent basis for a board to impose discipline upon a licensee, and that the
25 amendments to this section made by Chapter 33 of the Statutes of 2008 do not
26 constitute a change to, but rather are declaratory of, existing law.

27 8. Section 493 of the Code states:

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

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

(A) The nature and gravity of the offense.

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

(C) The nature and duties of the profession.

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

3 (c) As used in this section, "license" includes "certificate," "permit,"
4 "authority," and "registration."

5

6 9. Section 4301 of the Code states:

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

10 ...

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

14 ...

15 (l) The conviction of a crime substantially related to the qualifications,
16 functions, and duties of a licensee under this chapter. The record of conviction of a
17 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
18 States Code regulating controlled substances or of a violation of the statutes of this
19 state regulating controlled substances or dangerous drugs shall be conclusive
20 evidence of unprofessional conduct. In all other cases, the record of conviction shall
21 be conclusive evidence only of the fact that the conviction occurred. The board may
22 inquire into the circumstances surrounding the commission of the crime, in order to
23 fix the degree of discipline or, in the case of a conviction not involving controlled
24 substances or dangerous drugs, to determine if the conviction is of an offense
25 substantially related to the qualifications, functions, and duties of a licensee under this
26 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
27 contendere is deemed to be a conviction within the meaning of this provision. The
28 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.

....

REGULATORY PROVISIONS

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility
license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
Business and Professions Code, a crime, professional misconduct, or act shall be
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
an applicant or licensee to perform the functions authorized by the license in a

1 manner consistent with the public health, safety, or welfare.

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

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

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

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

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

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

13 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
14 conspire to violate, any provision of Chapter 13 (commencing with Section 801) of
15 Title 21 of the United States Code regulating controlled substances or any law of this
16 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

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

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

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

23 **COST RECOVERY**

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

28 **FACTUAL ALLEGATIONS**

Arrest History

12. On March 13, 2021, at approximately 2115 hours, Riverside Policy Department
(RPD) officers responded to the report of a vandalism at the ambulance bay at Kaiser Permanente
hospital in Riverside. Upon examination of the subject ambulance, the officer observed that the
front driver-side window was completely shattered. According to witnesses, Respondent punched

1 the window without any provocation and while the ambulance driver and a passenger were inside.
2 Respondent was treated at the hospital for a laceration to his right hand as a result of punching the
3 window.

4 13. On May 4, 2021, at 0824 hours, Costa Mesa Police Department (CMPD) officers
5 responded to a call regarding a male (Respondent) entering a restaurant/bar without permission.
6 While officers were interviewing the reporting party (a member of the cleaning crew), they
7 observed Respondent and another male (V.D.) leave through the front of the business. V.D. was
8 carrying a bag containing five liquor bottles. Respondent appeared agitated and angered that he
9 was being detained and claimed to be the owner of the business. Respondent said the keys to his
10 business were stolen, that he entered through the rear of the business and let V.D. (who he
11 claimed was his stepdad) through the front door, and that he gave V.D. alcohol from the bar
12 because he tried to take care of the homeless. Respondent also told the officers that he is bipolar
13 type one but no longer takes medication because he no longer needs it. The true owner of the bar
14 arrived and confirmed that the alcohol recovered from V.D. was taken from his bar. The owner
15 explained that he had closed the business and locked all doors at approximately 1830 hours the
16 night before and no one except the cleaning crew had permission to enter the business.¹

17 14. On May 5, 2021, at approximately 2015 hours, CMPD officers responded to a report
18 of a robbery that had just occurred at a parking structure. Upon arrival, officers contacted the
19 victim (V1) near a car wash inside the parking structure and located Respondent in V1's vehicle.
20 V1 (a security officer for the location) had seen Respondent attempting to open a key lock box at
21 the car wash. When V1 told Respondent he needed to leave, Respondent began strangling V1
22 and said, "I'm going to fucking kill you, I'm going to fucking murder you." Respondent stole
23 V1's personal belongings, including the keys to his car. Officers saw Respondent drive out of the
24 parking structure in V1's car and pursued him in their patrol vehicles. A Huntington Beach
25 Police helicopter provided support during the pursuit. Respondent was later arrested by
26 California Highway Patrol in San Diego County and transported to CMPD jail, where he was

27 _____
28 ¹ Orange County Superior Court Case Number 21WF3155 is currently pending against Respondent, based on the incident on May 4, 2021.

1 interviewed by officers. Respondent stated, among other things, that he did not remember
2 anything that happened before and it was a dream. Respondent said he was bipolar type one and
3 had not slept or had any water for a long time.²

4 15. On May 16, 2021, at approximately 0314 hours, Newport Beach Police Department
5 (NBPD) officers responded to an alarm activated on the roof of a commercial building. Upon
6 arrival, the officers observed Respondent in an enclosed area where AC units and other
7 machinery for the building are housed. Respondent was hiding behind a large electrical box and
8 the gates leading into the enclosed area were all locked. After obtaining keys to the gates from
9 the building owner, the officers returned to the enclosed area and observed Respondent pouring
10 antifreeze into a machine, which was later determined to be the chiller for UCI Health's MRI and
11 CT scanner. Respondent was making nonsensical statements but seemed to believe that he
12 worked at the building and was working on the machines on the roof.³

13 16. On June 7, 2021, a Menifee Police Department (MPD) officer was dispatched to a
14 domestic disturbance near the Best Buy store. The victim (V2) was Respondent's mother, who
15 called 911 using her medical alert bracelet. Respondent told the officer that he asked V2 to drive
16 him to Best Buy so he could purchase a new mobile phone. On the way, Respondent became
17 upset that V2 did not have a lighter for his cigarette. Respondent called her a liar and spit on her
18 face. During the investigation, the officer discovered there was a misdemeanor warrant for
19 Respondent's arrest.

20 17. On June 13, 2021, at approximately 1931 hours, a MPD officer responded to a call
21 regarding a suspicious person (Respondent) checking vehicle door handles in the area near V2's
22 house. The officer determined Respondent was in violation of a restraining order protecting V2
23 from Respondent. Respondent admitted to the officer that he went straight to V2's house after
24 being released from Menifee Global hospital and that he was aware of the restraining order.

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26 _____
27 ² Orange County Superior Court Case Number 21WF3074 is currently pending against
Respondent, based on the incident on May 5, 2021.

28 ³ Orange County Superior Court Case Number 22HF0914 is currently pending against
Respondent, based on the incident on May 16, 2021.

1 89 days in Riverside County Jail, with credit for 89 days served, and ordered to pay fines and
2 restitution.

3 23. On August 16, 2022, Respondent was terminated from his court-ordered domestic
4 violence program for exceeding the number of allowed absences. On October 11, 2022, a warrant
5 was issued in Riverside Superior Court Case Number SWM2102969.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

8 24. Respondent has subjected his pharmacy technician license to disciplinary action
9 under section 4301, subdivision (f), of the Code, for unprofessional conduct, in that he committed
10 acts involving moral turpitude, dishonesty, fraud, deceit or corruption. The circumstances are set
11 forth in paragraphs 12 through 18 and 23 above, which are incorporated here by reference.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Substantially Related Convictions)**

14 25. Respondent has subjected his pharmacy technician license to disciplinary action
15 under sections 490 and 4301, subdivision (l), of the Code, in that he was convicted of crimes that
16 are substantially related to the qualifications, functions, and duties of a pharmacy technician. The
17 circumstances are set forth in paragraphs 19 through 22 above, which are incorporated here by
18 reference.

19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Technician License Number TCH 158292, issued
23 to Willard Baring Abao;

24 2. Ordering Willard Baring Abao to pay the Board of Pharmacy the reasonable costs of
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3; and,

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

DATED: 10/17/2023

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.10.17 14:26:18 -07'00'

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