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

In the Matter of the Accusation Against:

DULCE JAZMIN SALAS
213 N. Gage Ave
Los Angeles, CA 90063

Pharmacy Technician Registration No. TCH
156794

Respondent.

Case No. 7580

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 13, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7580 against Dulce Jazmin Salas (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about November 14, 2016, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 156794 to Respondent. The Pharmacy Technician Registration expired on June 16, 2022, and has not been renewed

1 3. On or about September 15, 2023, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7580, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is:

7 213 N. Gage Ave
8 Los Angeles, CA 90063.

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. 7580.

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. 7580, 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 \$2,980.00
as of October 25, 2023.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Dulce Jazmin Salas has
3 subjected her Pharmacy Technician Registration No. TCH 156794 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. Conviction of a Substantially Related Crime, violating Business and Professions
9 Code sections 490, 4300, and 4301, subdivision (l), in conjunction with California Code of
10 Regulations, title 16, section 1770.

11 b. Dangerous Use of Alcohol,) violating Business and Professions Code sections 4300,
12 and 4301, subdivision (h), on the grounds of unprofessional conduct.

13 **ORDER**

14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 156794, issued to
15 Respondent Dulce Jazmin Salas, is revoked.

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

20 This Decision shall become effective on _____.

21 It is so ORDERED _____

22
23 _____
24 FOR THE BOARD OF PHARMACY
25 DEPARTMENT OF CONSUMER AFFAIRS

26 66332903.DOCX
27 DOJ Matter ID:LA2023602445

28 Attachment:
Exhibit A: Accusation

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

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

21 It is so ORDERED on December 18, 2023.

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

25
26 By _____



27 Seung W. Oh, Pharm. D.
28 Board President

66332903.DOCX
DOJ Matter ID:LA2023602445

Attachment:
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
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. 7580

13 **DULCE JAZMIN SALAS**
14 **213 N. Gage Ave**
Los Angeles, CA 90063
15 **Pharmacy Technician Registration No.**
TCH 156794

ACCUSATION

16 Respondent.
17

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 November 14, 2016, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 156794 to Dulce Jazmin Salas (Respondent). The Pharmacy
24 Technician Registration expired on February 28, 2018 and was cancelled on June 3, 2018,
25 pursuant to Business and Professions Code section 4402(e). Pursuant to an Emergency Order
26 number N-39-20 by the Governor of the State of California, which waived license reactivation
27 restoration requirements due to the COVID-19 pandemic, the license was restored on or about
28 May 1, 2020. Said license was cancelled on June 16, 2022, when the Emergency Order expired.

JURISDICTION

1
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 unless otherwise indicated.

4 4. Section 4300, subdivision (a), states that “[e]very license issued may be suspended or
5 revoked.”

6 5. Section 4300.1 states:

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

12 6. Section 4402 states:

13 (a) Any pharmacist license that is not renewed within three years following its expiration
14 may not be renewed, restored, or reinstated and shall be canceled by operation of law at the end
15 of the three-year period.

16 (b)

17 (1) Any pharmacist whose license is canceled pursuant to subdivision (a) may obtain a new
18 license if he or she takes and passes the examination that is required for initial license with the
19 board.

20 (2) The board may impose conditions on any license issued pursuant to this section, as it
21 deems necessary.

22 (c) A license that has been revoked by the board under former Section 4411 shall be
23 deemed canceled three years after the board’s revocation action, unless the board has acted to
24 reinstate the license in the interim.

25 (d) This section shall not affect the authority of the board to proceed with any accusation
26 that has been filed prior to the expiration of the three-year period.

1 (e) Any other license issued by the board may be canceled by the board if the license is not
2 renewed within 60 days after its expiration. Any license canceled under this subdivision may not
3 be reissued. Instead, a new application will be required.

4 ///

5 ///

6 **STATUTORY PROVISIONS**

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

10 8. Section 493 states, in pertinent part:

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

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

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

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

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

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

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

28 9. 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:

. . . .

(h) The administering to oneself, of any controlled substance, or the use of any
dangerous drug or of alcoholic beverages to the extent or in a manner as to be
dangerous or injurious to oneself, to a person holding a license under this chapter, or

1 to any other person or to the public, or to the extent that the use impairs the ability of
2 the person to conduct with safety to the public the practice authorized by the license.

3

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

23 **REGULATORY PROVISIONS**

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

25 For the purpose of denial, suspension, or revocation of a personal or facility
26 license pursuant to Division 1.5 (commencing with Section 475) of the Business and
27 Professions Code, a crime or act shall be considered substantially related to the
28 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 11. Section 125.3 provides that the Board may request the administrative law judge to
31 direct a licentiate 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 **(Convictions of Substantially Related Crimes)**

35 12. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
36 subdivision (I), 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 related to the qualifications, functions or duties of a pharmacy technician, as follows:

1 a. On or about October 18, 2022, Respondent was convicted of one interlineated
2 misdemeanor count of violating Vehicle Code section 23103/23103.5 [wet reckless] in the
3 criminal proceeding entitled *The People of the State of California v. Dulce Jazmin Salas*(Super.
4 Ct. L.A. County, 2022, No. 1AR11972). The Court placed Respondent on 12 months of
5 summary probation, ordered her to complete a Six-Month First-Offender Alcohol Program, and
6 ordered her to complete the Victim Impact Program (VIP) of Mothers Against Drunk Driving
7 (MADD).

8 b. The circumstances of the arrest leading to the conviction are that on or about
9 August 5, 2021, 10:55 pm, after admittedly drinking alcoholic beverages, Respondent drove a
10 vehicle while under the influence of alcohol. Respondent was unable to perform field sobriety
11 tests as demonstrated. On or about August 6, 2021, 12:39/12:43 am, Respondent's blood alcohol
12 tests resulted in a 0.197/0.190% BAC, respectively.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Dangerous Use of Alcohol)**

15 13. Respondent is subject to disciplinary action under sections 4300, and 4301,
16 subdivision (h), on the grounds of unprofessional conduct, in that on or about August 5, 2021,
17 Respondent used alcoholic beverages to the extent or in a manner as to be dangerous or injurious
18 to herself or others. Complainant refers to and by this reference incorporates the allegations set
19 forth above in paragraph 12, inclusive, as though set forth fully.

20 **PRAYER**

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

- 23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 156794,
24 issued to Dulce Jazmin Salas;
- 25 2. Ordering Dulce Jazmin Salas to pay the Board of Pharmacy the reasonable costs of
26 the investigation and enforcement of this case, pursuant to Business and Professions Code
27 section 125.3; and,
- 28 3. Taking such other and further action as deemed necessary and proper.

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DATED: 9/13/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.09.13 13:56:15
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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