

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

In the Matter of the Accusation Against:  
  
**MIGUEL ANGEL CHAVEZ**  
3903 Dobinson St.  
Los Angeles, CA 90063  
  
Pharmacy Technician Registration No. TCH  
143130  
  
Respondent.

Case No. 7588  
  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about August 22, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7588 against Miguel Angel Chavez (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 7, 2014, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 143130 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7588 and will expire on February 29, 2024, unless renewed.

///

1           3.     On or about August 29, 2023, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7588, 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: 3903 Dobinson St., Los Angeles, CA 90063.

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 him of the Accusation, and therefore  
17 waived his right to a hearing on the merits of Accusation No. 7588.

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. 7588, 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 \$1,603.75  
as of November 1, 2023.

///

///

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Miguel Angel Chavez has  
3 subjected his Pharmacy Technician Registration No. TCH 143130 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 November 13, 2021, Respondent used alcoholic beverages to an  
10 extent or 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 143130, issued to  
13 Respondent Miguel Angel Chavez, 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 January 25, 2024.

19 It is so ORDERED on December 26, 2023.

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

23 66348432.DOCX  
24 DOJ Matter ID:LA2023602499

25 Attachment:  
26 Exhibit A: Accusation

27 By  \_\_\_\_\_

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

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
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. 7588

13 **MIGUEL ANGEL CHAVEZ**  
3903 Dobinson St.  
14 Los Angeles, CA 90063

**ACCUSATION**

15 Pharmacy Technician Registration No. TCH  
143130

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 October 7, 2014, the Board issued Pharmacy Technician Registration  
23 Number TCH 143130 to Miguel Angel Chavez (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 29, 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 **JURISDICTION**

2 4. 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 5. Section 4300 provides in pertinent part, that every license issued by the Board is  
5 subject to discipline, including suspension or revocation.

6 6. Section 4300.1 states:

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

11 **STATUTORY PROVISIONS**

12 7. Section 4301 states, in pertinent part:

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

15 . . . .

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

19 **REGULATORY PROVISIONS**

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

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

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

(1) The nature and gravity of the offense;

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

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

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

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

6 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
7 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.

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

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

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

### 13 **COST RECOVERY**

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

### 18 **CAUSE FOR DISCIPLINE**

#### 19 **(Dangerous Use of Alcohol)**

20 10. Respondent is subject to disciplinary action under section 4301, subdivision (h), on  
21 the grounds of unprofessional conduct, in that Respondent used alcoholic beverages to an extent  
22 or in a manner dangerous or injurious to himself, any person, or the public, as follows: On or  
23 about November 13, 2021, police officers initiated a traffic enforcement stop after Respondent  
24 failed to stop at a red light. While speaking to Respondent, he displayed objective signs of  
25 alcohol impairment including watery, bloodshot eyes, and slurred speech. While at the scene,  
26 Respondent submitted to a Preliminary Alcohol Screening that revealed a 0.19% breath alcohol  
27 content level on the first and second readings. Respondent was subsequently placed under arrest  
28 for driving under the influence of alcohol. During an inventory search of his vehicle, officers

1 found a black handgun with an attached magazine loaded with nine 45 caliber bullets lying under  
2 the front passenger seat. A records check indicated that the handgun was registered to someone  
3 other than Respondent. As a result, Respondent was also charged with carrying concealed  
4 firearm within a vehicle in a public place. On or about November 15, 2021, criminal charges were  
5 filed in the case entitled *The People of the State of California v. Miguel Angel Chavez* (Super. Ct.  
6 L.A. County, 2021, No. 1DN03847). After Respondent failed to appear in court as required, a  
7 bench warrant was issued on July 22, 2022, that remains outstanding.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician Registration Number TCH 143130,  
12 issued to Miguel Angel Chavez;
- 13 2. Ordering Miguel Angel Chavez to pay the Board of Pharmacy the reasonable costs of  
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
15 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17  
18  
19 DATED: 8/22/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.08.22 19:03:36  
-07'00'

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

20  
21  
22  
23  
24 LA2023602499  
66133053.docx