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

In the Matter of the Accusation Against:

REYNA ERICKA ESPARZA
927 54th Ave
Oakland, CA 94601

Pharmacy Technician License No. TCH
51094

Respondent.

Case No. 7617

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 31, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7617 against Reyna Ericka Esparza (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about August 29, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 51094 to Respondent. The Pharmacy Technician License expired on April 30, 2023, and has not been renewed.

1 3. On or about November 3, 2023, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7617, 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: 927 54th Ave, Oakland, CA 94601.

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. 7617.

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. 7617, 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 \$3,949.09
as of January 16, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Reyna Ericka Esparza has
3 subjected her Pharmacy Technician License No. TCH 51094 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. Bus. & Prof. Code, §§ 490, 4301(l), and California Code of Regulations, title
9 16, section 1770: Multiple Substantially Related Criminal Convictions for Driving Under the
10 Influence of Alcohol and Assault;

11 b. Bus. & Prof. Code, § 4301(h): Dangerous Use of Alcohol;

12 c. Bus. & Prof. Code, § 4301(k): Multiple Convictions Involving Use,
13 Consumption, or Self-Administration of Any Drug or Alcoholic Beverage.

14
15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician License No. TCH 51094, issued to
17 Respondent Reyna Ericka Esparza, is revoked. Respondent Reyna Ericka Esparza is prohibited
18 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
19 of a licensee until reinstatement, pursuant to Code section 4307.

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

5 This Decision shall become effective at 5:00 p.m. on March 22, 2024.

6 It is so ORDERED on February 21, 2023.

7 FOR THE BOARD OF PHARMACY
8 DEPARTMENT OF CONSUMER AFFAIRS
9 STATE OF CALIFORNIA

9

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By



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Seung W. Oh, Pharm.D.
Board President

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Attachment:
Exhibit A: Accusation

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Exhibit A

Accusation

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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. 7617

13 **REYNA ERICKA ESPARZA**
14 **927 54th Ave**
Oakland, CA 94601

ACCUSATION

15 **Pharmacy Technician License No. TCH**
16 **51094**

17 Respondent.
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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, Department of Consumer Affairs.

23 2. On or about August 29, 2003, the Board of Pharmacy issued Pharmacy Technician
24 License Number TCH 51094 to Reyna Ericka Esparza (Respondent). The Pharmacy Technician
25 License expired on April 30, 2023, and has not been renewed.
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JURISDICTION

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

4. Section 4300 of the Code provides, in pertinent part, that every license issued by the board is subject to discipline, including suspension or revocation.

5. 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.

6. Code section 4307 states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

(b) Manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of a license as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in such capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of

1 the Government Code. The authority to proceed as provided by this subdivision shall
2 be in addition to the board's authority to proceed under Section 4339 or any other
3 provision of law.

3 **STATUTORY PROVISIONS**

4 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or
5 revoke a license on the ground that the licensee has been convicted of a crime substantially
6 related to the qualifications, functions, or duties of the business or profession for which the
7 license was issued.

8 8. Section 4301 of the Code states:

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

11

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

15

16 (k) The conviction of more than one misdemeanor or any felony involving the use,
17 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
18 combination of those substances.

18

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

1 **REGULATORY PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

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

COST RECOVERY

10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case, with failure of the licentiate to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **FACTUAL ALLEGATIONS**

4 **Respondent's Substantially Related Convictions**

5 11. On or about March 14, 2023, Respondent was convicted in *People of the State of*
6 *California v. Reyna Esparza*, Case No. 20-CR-009963, Alameda County Superior Court, of
7 violating Vehicle Code sections 23152(a) & (b), driving under the influence of alcohol, driving
8 with a Blood Alcohol Content (BAC) above 0.08%, and the enhancement for driving with a BAC
9 equal to or greater than 0.15%. The circumstances leading to the conviction are as follows: on or
10 about April 10, 2020, Respondent was placed under arrest for driving under the influence of
11 alcohol. Respondent was driving and caused a vehicle collision. Respondent performed poorly
12 on field sobriety tests, and preliminary alcohol screening tests revealed Respondent had a BAC of
13 0.315% and 0.317% in two tests taken at the collision site at approximately 11:41 a.m. As part of
14 the plea agreement, Respondent was ordered to complete an 18-month Drinking Driver Program,
15 and was sentenced to 3 years' probation.

16 12. On or about March 14, 2023, Respondent was convicted of violating Penal Code
17 section 245(a)(4) (felony assault with force likely to produce great bodily injury) in *People of the*
18 *State of California v. Reyna Esparza*, Case No. 21-CR-006095, Alameda County Superior Court.
19 The circumstances leading to the conviction are as follows: On or about May 17, 2021, police
20 officers responded to a call from Respondent's sister, who had been assaulted by Respondent and
21 had several injuries to her face. Respondent was located at her mother's house, and was placed
22 under arrest. As part of the conviction in Case No. 21-CR-006095, two other pending criminal
23 matters against Respondent were also resolved:

24 a. Respondent was charged in *People of the State of California v. Reyna Esparza*,
25 Case No. 21-CR-005750, Alameda County Superior Court, of violating Vehicle Code sections
26 23152(a) & (b), (driving under the influence, and driving with a BAC equal to or above 0.15%),
27 as well as Vehicle Code sections 14601.2(a) (driving with suspended license due to prior DUI),
28 and 23247(e) (operating a vehicle without an ignition interlock device as required as a term of

1 probation). The circumstances leading to this charge are as follows: on or about March 12, 2021,
2 Respondent was placed under arrest for driving under the influence of alcohol. Respondent was
3 observed swerving between lanes, and speeding. Respondent submitted to a preliminary alcohol
4 screening test, which revealed Respondent had a BAC of 0.143% at approximately 3:06 a.m. on
5 March 12, 2021. At approximately 4:14 a.m., a blood sample was taken from Respondent at the
6 Santa Rita Jail after a search warrant was obtained by police. This case was dismissed in a global
7 settlement with additional charges in Case No. 21-CR-006095.

8 b. On or about March 2, 2022, Respondent was charged in *People of the State of*
9 *California v. Reyna Esparza*, Case No. 22-CR-002725, Alameda County Superior Court, of
10 violating Penal Code sections 241.3 (assault on public transit) and 415(2) (disturbing the peace).
11 Respondent was involved in an altercation on a public transit bus where Respondent assaulted the
12 bus driver, resulting in the bus driver using pepper spray to subdue Respondent. This case was
13 dismissed in a global settlement with additional charges in Case No. 21-CR-006095.

14 13. On or about April 12, 2023, Respondent was convicted in *People of the State of*
15 *California v. Reyna Esparza*, Stanislaus County Superior Court, Case No. CR-21-012788, of
16 violating Vehicle Code section 23152(b) (driving with BAC equal to or greater than 0.08%)
17 including the special allegation that Respondent's BAC was equal to or higher than 0.15%. The
18 circumstances leading to the conviction are as follows: on or about September 16, 2021,
19 Respondent was placed under arrest for driving under the influence of alcohol. Respondent was
20 observed stopped in a roadway and blocking a lane of traffic. Respondent did not have an
21 ignition interlock device installed on her vehicle in violation of her probation. Respondent
22 performed poorly on field sobriety tests, and provided to breath samples which both revealed
23 BAC of 0.23% at approximately 1:06 and 1:09 a.m. that day. Following her conviction,
24 Respondent was sentenced to serve seven days in jail, pay a fine of \$1,600, complete an
25 Enhanced Drinking Driver Program, and to serve three years' probation.

26 Respondent's Arrest for Public Intoxication

27 14. On or about August 11, 2021, in Turlock, California, Respondent was arrested for
28 violating Penal Code section 647(f) (public intoxication). An officer responded to a report of an

1 aggressive dog in Respondent's control. The responding officer determined that Respondent was
2 so intoxicated that she was unable to care for herself, and she was placed under arrest. No
3 charges were filed following this arrest.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Multiple Substantially Related Criminal Convictions-DUI and Assault)**

6 15. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision
7 (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent
8 was convicted of crimes substantially related to the qualifications, functions, and duties of a
9 registered pharmacy technician. As described above in paragraphs 11-13, and incorporated
10 herein by reference, Respondent has three convictions for crimes substantially related to the
11 duties of a pharmacy technician.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Dangerous Use of Alcohol)**

14 16. Respondent is subject to disciplinary action under section 4301, subdivision (h), in
15 that Respondent used alcoholic beverages to an extent or in a manner as to be dangerous or
16 injurious to herself, another person or to the public. Complainant refers to, and by this reference
17 incorporates, the allegations set forth above in paragraphs 11, 12(a), 13, and 14, indicating
18 numerous incidents where Respondent used alcoholic beverages to an extent or in a manner as to
19 be dangerous or injurious to herself, another person, or to the public.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Conviction of More Than One Misdemeanor or Felony Involving the Use, Consumption, or
22 Self-Administration of Any Drug or Alcoholic Beverage)**

23 17. Respondent is subject to disciplinary action under section 4301, subdivision (k), in
24 that Respondent was convicted of more than one misdemeanor or felony involving the use,
25 consumption, or self-administration of any drug or alcoholic beverage, as described above in
26 paragraphs 11 and 12, and below in paragraph 18, and incorporated herein by reference.

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1 **DISCIPLINARY CONSIDERATIONS**

2 18. On or about March 25, 2014, Respondent was issued a citation by the Board with no
3 fine. The circumstances leading to the citation are as follows: on or about August 10, 2011,
4 Respondent was convicted of violating Vehicle Code section 23152(a) (driving under the
5 influence), in *People of the State of California v. Reyna Esparza*, Alameda County Superior
6 Court, case no. 569235. The citation is now final.

7 19. On or about December 7, 2015, Respondent was issued a citation with \$600 fine by
8 the Board. The circumstances leading to the citation are as follows: first, on or about June 12,
9 2015, Respondent was convicted of violating misdemeanor Penal Code section 415(a) (fighting in
10 public), in *People of the State of California v. Reyna Esparza*, Alameda County Superior Court,
11 case no. 461462-5. Second, on or about August 26, 2015, Respondent was convicted of violating
12 misdemeanor Penal Code section 32 (accessory), in *People of the State of California v. Reyna*
13 *Esparza*, Alameda County Superior Court, case no. 605958-7. The citation issued by the Board
14 was paid in full by Respondent on or about March 6, 2017, and that citation is now final.

15 **OTHER MATTERS**

16 20. Pursuant to Code section 4307, if discipline is imposed on Respondent's Pharmacy
17 Technician Registration No. TCH 51094, Respondent shall be prohibited from serving as a
18 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
19 five years if Respondent Pharmacy Technician Registration No. TCH 51094 is placed on
20 probation, or until reinstatement if Pharmacy Technician Registration No. TCH 51094 is revoked.

21 **PRAAYER**

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

24 1. Revoking or suspending Pharmacy Technician License Number TCH 51094, issued
25 to Reyna Ericka Esparza;

26 2. Ordering Reyna Ericka Esparza to pay the Board of Pharmacy the reasonable costs of
27 the investigation and enforcement of this case, pursuant to Business and Professions Code section
28 125.3;

1 3. Prohibiting Reyna Ericka Esparza from serving as a manager, administrator, owner,
2 member, officer, director, associate, or partner of a licensee for five years if Respondent
3 Pharmacy Technician Registration No. TCH 51094 is placed on probation, or until reinstatement
4 if Pharmacy Technician Registration No. TCH 51094 is revoked; and

5 4. Taking such other and further action as deemed necessary and proper.
6

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8 DATED: 10/31/2023

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2023.10.31
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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