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

In the Matter of the Accusation Against:

Case No. 7697

**RAQUEL REBOLLAR
1010 Clearbrook Ln., Apt. 1010
Vista, CA 92084**

DEFAULT DECISION AND ORDER

Pharmacy Technician License No. 184736

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about February 19, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed Accusation No. 7697 against Raquel Rebollar (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about October 7, 2021, the Board issued Pharmacy Technician License No. 184736 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7697 and will expire on January 31, 2025, unless renewed.

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1 3. On or about February 22, 2024, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7697, 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: 1010 Clearbrook Ln., Apt. 1010, Vista, CA 92084.

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. 7697.

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. 7697, 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 \$3,617.50
as of March 14, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Raquel Rebollar has subjected
3 her Pharmacy Technician License No. 184736 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. Respondent’s Pharmacy Technician License is subject to disciplinary action under
9 Business and Professions Code section 4301, subdivision (f), for committing acts involving
10 dishonesty, fraud or deceit.

11 b. Respondent’s Pharmacy Technician License is subject to disciplinary action under
12 Business and Professions Code section 4301, subdivision (g), for knowingly making or signing
13 documents that falsely represent the existence or nonexistence of facts.

14 c. Respondent’s Pharmacy Technician License is subject to disciplinary action under
15 Business and Professions Code section 4301, subdivision (l), for being convicted of crimes
16 substantially related to the qualifications, functions and duties of a Pharmacy Technician.

17 d. Respondent’s Pharmacy Technician License is subject to disciplinary action under
18 Business and Professions Code section 4301, subdivision (h), for using alcoholic beverages on
19 September 3, 2022, to an extent or in a manner dangerous or injurious to herself or others.

20 e. Respondent’s Pharmacy Technician License is subject to disciplinary action under
21 Business and Professions Code section 4301 for unprofessional conduct, in that she engaged in
22 the conduct described in the Accusation.

23 **ORDER**

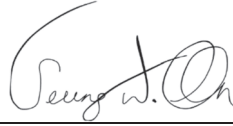
24 IT IS SO ORDERED that Pharmacy Technician License No. 184736, issued to Respondent
25 Raquel Rebollar is revoked.

26 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
27 written motion requesting that the Decision be vacated and stating the grounds relied on within
28

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective at 5:00 p.m. on May 16, 2024.

4 It is so ORDERED on April 16, 2024.

5 

6 _____
7 Seung W. Oh, Pharm.D.
8 Board President
9 FOR THE BOARD OF PHARMACY
10 DEPARTMENT OF CONSUMER AFFAIRS

11 84441335.DOCX
12 DOJ Matter ID:SD2023803493

13 Attachment:
14 Exhibit A: Accusation

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Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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. 7697

14 **RAQUEL REBOLLAR**
15 **1010 Clearbrook Ln., Apt. 1010**
Vista, CA 92084

ACCUSATION

16 **Pharmacy Technician License No. TCH**
17 **184736**

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, Department of Consumer Affairs (Board).

23 2. On or about October 7, 2021, the Board issued Pharmacy Technician License Number
24 TCH 184736 to Raquel Rebollar (Respondent). The Pharmacy Technician License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on January 31,
26 2025, unless renewed.

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28 ///

1 **JURISDICTION**

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 (Code) unless otherwise
4 indicated.

5 4. Code section 4011 provides that the Board shall administer and enforce both the
6 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
7 (Health & Safety Code, § 11000 *et seq.*).

8 5. Code section 4300, subdivision (a) provides that every license issued by the Board
9 may be suspended or revoked.

10 6. Code section 4300.1 states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license
12 by operation of law or by order or decision of the board or a court of law, the
13 placement of a license on a retired status, or the voluntary surrender of a license by a
14 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.

15 **STATUTORY PROVISIONS**

16 7. Section 4301 of the Code states:

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

19

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

22 (g) Knowingly making or signing any certificate or other document that falsely
23 represents the existence or nonexistence of a state of facts.

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

27

28 (l) The conviction of a crime substantially related to the qualifications,
functions, and duties of a licensee under this chapter. The record of conviction of a

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

18

19 REGULATORY PROVISION

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

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

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

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

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

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

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

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

7 **COST RECOVERY**

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

12 **FACTUAL ALLEGATIONS**

13 10. On January 10, 2022, officers from the Oceanside Police Department responded to a
14 report that Respondent was threatening to commit suicide outside of a Dollar Tree Store.
15 Respondent resisted arrest and told the officers, “you wanna fight, I’ll f**king fight you!” She
16 then hit an officer in the chest and hit him in the groin area with her knee which caused him
17 immediate and severe pain for several hours and caused an abrasion to his left knee.

18 11. On September 2, 2022, officers from the San Diego Police Department responded to a
19 report of Respondent creating a disturbance at a bar. The officers observed that Respondent
20 slurred her speech, had watery eyes and had difficulty maintaining her balance. They also
21 smelled a strong odor of an alcoholic beverage emitting from her. Consequently, they arrested
22 Respondent who was ultimately transported to the Las Colinas Detention and Reentry Facility
23 after she was rejected by the McAllister Sobering Center.

24 12. While inside a sobering cell, deputies observed Respondent intimidating another
25 incarcerated person. After receiving a warning, Respondent continued to provoke that person.
26 Deputies then moved Respondent to another cell where she flooded the cell by stuffing a t-shirt
27 into the toilet and flushing it repeatedly until it overflowed and destroyed two naloxone
28 cartridges. When deputies attempted to move Respondent to another cell, she became agitated,
threatening and combative to such a degree that deputies had to use an electronic immobilization

1 shield to subdue Respondent. A corporal and a deputy were injured as a result of Respondent's
2 assaultive behavior.

3 13. On September 23, 2022, Respondent threatened customers physically at a
4 delicatessen, destroyed items behind a counter and refused to leave the premises. Respondent
5 also told an employee that she will "f**king kill you. I killed people before and I will f**king
6 kill you." Employees were forced to hide knives from Respondent. When they called the
7 Riverside County Sheriff's Department to report Respondent, dispatch personnel heard
8 Respondent state that she "kills people." Deputies arrested Respondent.

9 14. On November 7, 2022, Respondent was convicted of violating Penal Code section
10 148(a), willfully resisting, delaying or obstructing an officer on January 10, 2022 in *The People of*
11 *the State of California vs. Raquel Rebollar*, San Diego County Superior Court Case No.
12 CN430137, after she failed to comply with the terms of her diversion granted to her under Penal
13 Code section 1001.95. The Court placed Respondent on summary probation for one year and
14 ordered her to pay all applicable fees and fines. As part of her plea agreement, Respondent
15 admitted that "[o]n January 10, 2022, [she] knowingly resisted arrest by the Oceanside Police
16 Department."

17 15. On November 17, 2022, Respondent was convicted of violating Penal Code section
18 69, resisting an executive officer by means of threats and violence on September 3, 2022 in *The*
19 *People of the State of California vs. Raquel Rebollar*, San Diego County Superior Court Case No.
20 CE413996. The Court placed Respondent on summary probation for one year and ordered her to
21 pay all applicable fees and fines. As part of her plea agreement, Respondent admitted that she
22 "unlawfully resisted an executive officer by means of force."

23 16. On or about December 8, 2022, Respondent submitted an application for renewal of
24 her license and declared under penalty of perjury under the laws of the State of California that the
25 information in her renewal application was true and correct. However, Respondent answered
26 "no" to the question, "Since your last renewal...have you been convicted as defined in Section
27 490 of the Business and Professions Code?" which was false since she had been criminally
28 convicted on November 7 and 17, 2022 as set forth above.

1 extent or in a manner dangerous or injurious to herself or others, as described in paragraphs 10
2 through 17 above, which are incorporated as though fully set forth herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 22. Respondent's Pharmacy Technician License is subject to disciplinary action under
6 Code section 4301 for unprofessional conduct, in that she engaged in the activities described in
7 paragraphs 10 through 17 above, which are incorporated as though fully set forth herein.


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 License Number TCH 184736, issued
12 to Raquel Rebollar;
- 13 2. Ordering Raquel Rebollar to pay the Board of Pharmacy the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3; and, if placed on probation, the costs of probation monitoring; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 2/19/2024

Sodergren,
Anne@DCA

 Digitally signed by Sodergren,
Anne@DCA
Date: 2024.02.19 14:32:35 -08'00'

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

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