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

In the Matter of the Accusation Against:

WILSON ALEXANDER GARCIA
13727 Gaylin St
Whittier, CA 90601

**Pharmacy Technician License No. TCH
120635**

Respondent.

Case No. 7750

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 9, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7750 against Wilson Alexander Garcia (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 15, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 120635 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7750 and will expire on May 31, 2025, unless renewed.

1 3. On or about May 16, 2024, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 7750, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is: 13727 Gaylin St., Whittier, CA 90601.

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. 7750.

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. 7750, 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 \$2,479.25
as of September 6, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Wilson Alexander Garcia has
3 subjected his Pharmacy Technician License No. TCH 120635 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. and Prof. Code sections 490 and 4301(l) – substantially related conviction

9 b. Bus. and Prof. Code sections 490 and 4301(l) – substantially related conviction

10 c. Bus. and Prof. Code section 4301(h) – dangerous use of alcohol

11 d. Bus. and Prof. Code section 4301(k) – multiple alcohol related convictions

12 **ORDER**

13 IT IS SO ORDERED that Pharmacy Technician License No. TCH 120635, issued to
14 Respondent Wilson Alexander Garcia, is revoked.

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

19 This Decision shall become effective at 5:00 p.m. on November 13, 2024.

20 It is so ORDERED on October 14, 2024.

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

24 

25 By _____

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

28 67081973.DOCX
DOJ Matter ID:LA2024600587

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 State Bar No. 225325
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6322
6 Facsimile: (916) 731-2126
E-mail: Armando.Zambrano@doj.ca.gov
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 7750

13 **WILSON ALEXANDER GARCIA**

ACCUSATION

14 13727 Gaylin St
Whittier, CA 90601

15 **Pharmacy Technician License No.**
16 **TCH 120635**

17 Respondent.

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 March 15, 2012, the Board issued Pharmacy Technician License Number
23 TCH 120635 to Wilson Alexander Garcia (Respondent). The Pharmacy Technician License was
24 in full force and effect at all times relevant to the charges brought herein and will expire on May
25 31, 2025, unless renewed.

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

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

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

17 7. Section 4301 of the Code states, in pertinent part:

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

20 . . .

21 (h) The administering to oneself, of any controlled substance, or the use of any
22 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
23 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.

24 . . .

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

27 (l) The conviction of a crime substantially related to the qualifications,
28 functions, and duties of a licensee under this chapter. The record of conviction of a
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United

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

17 ...

18 **REGULATORY PROVISIONS**

19 8. California Code of Regulations, title 16, section 1770(a) states:

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

28 **COST RECOVERY**

9 9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
14 included in a stipulated settlement.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(September 26, 2023 Criminal Conviction - DUI on December 13, 2021)**

17 10. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in
18 conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about

1 September 26, 2023, in a criminal proceeding entitled *The People of the State of California vs.*
2 *Wilson Alexander Garcia*, in Superior Court of California, County of Orange, Case No.
3 22NM03630, Respondent pled guilty and was convicted of violating Vehicle Code section
4 23152(a) (driving under the influence of alcohol), a misdemeanor; Vehicle Code section 23152(b)
5 (driving with blood alcohol 0.08% or more), a misdemeanor; Vehicle Code section 23247(e)
6 (operate a motor vehicle not equipped with a functioning ignition interlock device), a
7 misdemeanor; and Vehicle Code section 12500(a) (drive motor vehicle without a valid license), a
8 misdemeanor. Respondent also admitted as true, to the special allegation of a blood alcohol of
9 0.20% or above and a prior DUI conviction on October 1, 2015. Respondent was sentenced to
10 serve 70 days in jail, placed on probation for five years with terms and conditions, ordered to
11 complete 18 month multiple offender alcohol program, and pay fines and fees.

12 The circumstances surrounding the conviction are that on or about December 13, 2021, at
13 approximately 2:26 a.m., a La Habra Police Department officer was dispatched to a traffic
14 collision involving Respondent. Upon speaking to Respondent, the officer noticed bloodshot
15 watery eyes, a strong odor of an alcoholic beverage emitting from his person, slurred speech, and
16 an unsteady gait. Respondent admitted to consuming alcoholic beverages prior to driving. At
17 approximately 3:28 a.m., Respondent submitted to a blood sample that revealed a blood alcohol
18 concentration of 0.25%. The officer ran a record check of Respondent's driver's license.
19 Respondent was required to have an Ignition Interlock Device, which he did not have in his
20 vehicle.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(October 1, 2015 Criminal Conviction - DUI on July 3, 2015)**

23 11. Respondent is subject to disciplinary action under Code sections 490 and 4301(l), in
24 conjunction with California Code of Regulations, title 16, section 1770(a), in that on or about
25 October 1, 2015, in a criminal proceeding entitled *The People of the State of California vs. Wilson*
26 *Alexander Garcia*, in Superior Court of California, County of Los Angeles, Case No. 5BF06321,
27 Respondent pled nolo contendere and was convicted of violating Vehicle Code section 23152(b)
28 (driving with blood alcohol 0.08% or more), a misdemeanor. Respondent was placed on

1 probation for 36 months with terms and conditions, ordered to complete a three month licensed
2 first offender alcohol and other drug education and counseling program, and pay fines and fees.

3 The circumstance surrounding the conviction are that on or about July 3, 2015, at
4 approximately 1:55 a.m., a California Highway Patrol officer conducted a traffic enforcement
5 stop involving Respondent. Upon speaking to Respondent, the officer noticed the odor of an
6 alcoholic beverage emitting from his breath, red and watery eyes, and mumbled speech.
7 Respondent admitted to consuming alcoholic beverages prior to driving. At approximately 3:01
8 a.m., Respondent submitted to a breath sample that revealed a blood alcohol concentration of
9 0.08% on the first reading and 0.08% on the second reading.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Dangerous Use of Alcohol)**

12 12. Respondent is subject to disciplinary action under Code section 4301(h), on the
13 grounds of unprofessional conduct, in that Respondent used alcoholic beverages to the extent or
14 in a manner as to be dangerous or injurious to oneself, any other person, or the public, as alleged
15 above in paragraphs 10 and 11.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(More Than One Alcohol Related Conviction)**

18 13. Respondent is subject to disciplinary action under Code section 4301(k), on the
19 grounds of unprofessional conduct, in that Respondent was convicted of more than one
20 misdemeanor involving the use, consumption, or self-administration of alcoholic beverages, as
21 alleged above in paragraphs 10 and 11.

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PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 120635, issued to Wilson Alexander Garcia;
2. Ordering Wilson Alexander Garcia to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and, if placed on probation, the costs of probation monitoring; and
3. Taking such other and further action as deemed necessary and proper.

DATED: 5/9/2024

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

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