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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. 7787

13 **MIGUEL ANGEL VELASQUEZ**  
14 **7925 Dunbrook Rd., Suite C**  
**San Diego, CA 92126**

**DEFAULT DECISION AND ORDER**

15 **Designated Representative No. EXC 26709**

[Gov. Code, §11520]

16  
17 Respondent.

18  
19 **FINDINGS OF FACT**

20 1. On or about April 15, 2024, Complainant Anne Sodergren, in her official capacity as  
21 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
22 Accusation No. 7787 against Miguel Angel Velasquez (Respondent) before the Board of  
23 Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about August 1, 2022, the Board of Pharmacy (Board) issued Designated  
25 Representative No. EXC 26709 to Respondent. The Designated Representative expired on  
26 November 5, 2023, and has not been renewed. However, the lapse or expiration of the license  
27 does not deprive the Board of jurisdiction to proceed pursuant to Business and Professions Code  
28 section Code section 4300.1.

1           3.     On or about April 19, 2024, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 7787, 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: 7925 Dunbrook Rd., Suite C, San Diego, CA 92126.

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. 7787.

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. 7787, 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  
\$971.25.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Miguel Angel Velasquez has  
3 subjected his Designated Representative No. EXC 26709 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 Designated  
6 Representative 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. Respondent has subjected his license to disciplinary action under Code section 4301,  
9 subdivision (l), in that Respondent was convicted of a crime substantially related to the  
10 qualifications, functions and duties of a designated representative. Specifically, on or about May  
11 11, 2023, in the criminal case entitled *People of the State of California v. Miguel Angel*  
12 *Velasquez*, in San Diego Superior Court case number CS325226, Respondent was convicted on  
13 his plea of guilty to Vehicle Code section 23153, subdivision (b), driving with a blood alcohol  
14 content of .08 percent or more causing injury, a felony, with an enhancement under Vehicle Code  
15 section 23578, for having a blood alcohol concentration of .15 percent or more.

16 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
17 for using alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
18 himself or the public.

19 c. Respondent is subject to disciplinary action under Code section 4301, subdivision (k)  
20 for having a felony conviction involving the use or consumption of alcoholic beverage.

21 d. Respondent is subject to disciplinary action under Code section 4301, in that  
22 Respondent committed acts that constitute unprofessional conduct.

23 **ORDER**

24 IT IS SO ORDERED that Designated Representative No. EXC 26709, issued to  
25 Respondent Miguel Angel Velasquez, 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 **DETERMINATION OF ISSUES**

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3 subjected his Designated Representative No. EXC 26709 to discipline.

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22 Respondent committed acts that constitute unprofessional conduct.

23 **ORDER**

24 IT IS SO ORDERED that Designated Representative No. EXC 26709, issued to  
25 Respondent Miguel Angel Velasquez, 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 August 1, 2024.

4 It is so ORDERED on July 2, 2024.

5 FOR THE BOARD OF PHARMACY  
6 DEPARTMENT OF CONSUMER AFFAIRS  
7 STATE OF CALIFORNIA

8  
9 By



10  
11 Seung W. Oh, Pharm.D.  
12 Board President

13 84537270.DOCX  
DOJ Matter ID:SD2024801058

14 Attachment:  
15 Exhibit A: Accusation  
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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. 7787

14 **MIGUEL ANGEL VELASQUEZ**  
15 **7925 Dunbrook Rd., Suite C**  
**San Diego, CA 92126**

**ACCUSATION**

16 **Designated Representative No. EXC 26709**

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, Department of Consumer Affairs.

22 2. On or about August 1, 2022, the Board of Pharmacy issued Designated  
23 Representative Number EXC 26709 to Miguel Angel Velasquez (Respondent). The Designated  
24 Representative expired on August 1, 2023 and was canceled on November 5, 2023.

25 **JURISDICTION**

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

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

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

6. Code section 4300.1 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.

## STATUTORY PROVISIONS

7. Code 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 includes, 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 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 licensee.

...

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

(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 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the

1 crime, in order to fix the degree of discipline or, in the case of a conviction not  
2 involving controlled substances or dangerous drugs, to determine if the conviction  
3 is of an offense substantially related to the qualifications, functions, and duties of a  
4 licensee under this chapter. A plea or verdict of guilty or a conviction following a  
5 plea of nolo contendere is deemed to be a conviction within the meaning of this  
6 provision. The board may take action when the time for appeal has elapsed, or the  
7 judgment of conviction has been affirmed on appeal or when an order granting  
8 probation is made suspending the imposition of sentence, irrespective of a  
9 subsequent order under Section 1203.4 of the Penal Code allowing the person to  
10 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
11 the verdict of guilty, or dismissing the accusation, information, or indictment.

12 ...

13 8. Section 4307 of the Code states:

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

26 (1) Where a probationary license is issued or where an existing license is  
27 placed on probation, this prohibition shall remain in effect for a period not to  
28 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.

## 22 **REGULATORY PROVISIONS**

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

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

(3) 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, 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 licensee 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.

#### **FIRST CAUSE FOR DISCIPLINE**

**(May 11, 2023 Criminal Conviction for Driving with a Blood Alcohol Content of .08 Percent or More Causing Injury on June 26, 2023)**

11. Respondent has subjected his license to disciplinary action under Code section 4301, subdivision (l), in that Respondent was convicted of a crime substantially related to the qualifications, functions and duties of a designated representative. The circumstances are as follows:

///

1           a.     On or about May 11, 2023, in the criminal case entitled *People of the State of*  
2     *California v. Miguel Angel Velasquez*, in San Diego Superior Court case number CS325226,  
3     Respondent was convicted on his plea of guilty to Vehicle Code section 23153, subdivision (b),  
4     driving with a blood alcohol content of .08 percent or more causing injury, a felony, with an  
5     enhancement under Vehicle Code section 23578, for having a blood alcohol concentration of .15  
6     percent or more. Pursuant to the plea agreement, the felony charge for Vehicle Code section  
7     23153, subdivision (a) (driving under the influence of alcohol with injury) was dismissed.

8           b.     The circumstances that led to the conviction are that on September 15, 2022, at  
9     approximately 2:10 a.m., officers from the California Highway Patrol (CHP) were dispatched to  
10    investigate a two-vehicle traffic collision with injuries. Respondent was identified as the driver of  
11    one of the vehicles, which had collided with a disabled vehicle on the side of the road. The  
12    officer observed that Respondent's vehicle sustained major damage to the front end and that the  
13    airbags had deployed. The officer located the driver of the disabled vehicle and observed the  
14    victim was in shock and had multiple lacerations and abrasions on his lip, left elbow and left leg.  
15    The victim was transported to a local hospital for medical treatment.

16          c.     Upon contact with Respondent, the officer observed signs of intoxication, including  
17    red/watery eyes, slurred speech, an unsteady gait, and a strong odor of an alcoholic beverage  
18    emitting from his breath. The officer asked Respondent a series of pre-Field Sobriety Test  
19    questions and Respondent performed Field Sobriety Tests. Respondent also submitted to a  
20    preliminary alcohol screening breath test, which rendered the result of .189 percent at 3:00 a.m.  
21    and .182 percent at 3:02 a.m. Respondent was placed under arrest. His blood alcohol content at  
22    4:02 a.m. was .159 percent and at 4:05 a.m. was .158 percent.

23          d.     As a result of the conviction, Respondent was ordered to serve five years formal  
24    probation, 180 days in jail with credit for time served, required to pay fines, fees and restitution,  
25    and ordered to enroll and complete a 3-month First Offender DUI Program, among other terms  
26    and conditions.

27    ///

28    ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Use of Alcohol in a Dangerous Manner)**

3 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)  
4 for using alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
5 himself or the public, as set forth in paragraph 11, incorporated herein.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Felony Conviction Involving Use or Consumption of Alcohol)**

8 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (k)  
9 for having a felony conviction involving the use or consumption of alcoholic beverage, as set  
10 forth in paragraph 11, incorporated herein.

11 **FOURTH CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct)**

13 14. Respondent is subject to disciplinary action under Code section 4301, in that  
14 Respondent acts constituted unprofessional conduct as set forth in paragraph 11, incorporated  
15 herein.

16 **OTHER MATTERS**

17 15. Pursuant to Code section 4307, if discipline is imposed in the Accusation against  
18 Designated Representative License Number EXC 26709 issued to Miguel Angel Velasquez, then  
19 Miguel Angel Velasquez shall be prohibited from serving as a manager, administrator, owner,  
20 member, officer, director, associate, or partner of a licensee for five years if Designated  
21 Representative License Number EXC 26709 is placed on probation or until Designated  
22 Representative License Number EXC 26709 is reinstated if it is revoked.

23 **PRAYER**

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

26 1. Revoking Designated Representative Number EXC 26709, issued to Miguel Angel  
27 Velasquez;

28 ///

2. Prohibiting Miguel Angel Velasquez from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Designated Representative License Number EXC 26709 is placed on probation or until Designated Representative License Number EXC 26709 is reinstated if Designated Representative License Number EXC 26709 issued to Miguel Angel Velasquez is revoked; and

3. Ordering Miguel Angel Velasquez 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,

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

DATED: 4/15/2024

Sodergren, Anne@DCA  
Digitally signed by Sodergren, Anne@DCA  
Date: 2024.04.15 19:22:50 -07'00'

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

SD2024801058