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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:

13 **MITZI UY SANTANDER JARVINA**  
14 **19317 Wiersma Ave**  
**Cerritos, CA 90703**

15 **Pharmacy Technician License No. TCH**  
16 **19914**

17 Respondent.  
18

Case No. 7802

OAH No.

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

19  
20 **FINDINGS OF FACT**

21 1. On or about June 12, 2024, Complainant Anne Sodergren, in her official capacity as  
22 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed  
23 Accusation No. 7802 against Mitzi Uy Santander Jarvina (Respondent) before the Board of  
24 Pharmacy. (Accusation attached as Exhibit A.)

25 2. On or about August 14, 1996, the Board of Pharmacy (Board) issued Pharmacy  
26 Technician License No. TCH 19914 to Respondent. The Pharmacy Technician License was in  
27 full force and effect at all times relevant to the charges brought in Accusation No. 7802 and will  
28 expire on September 30, 2025, unless renewed.

1           3.     On or about June 14, 2024, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 7802, 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:

7     19317 Wiersma Ave  
8     Cerritos, CA 90703.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505(c) and/or Business and Professions Code section 124.

11          5.     Government Code section 11506(c) states, in pertinent part:

12               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
13 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
14 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
15 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
16 discretion may nevertheless grant a hearing.

17          6.     The Board takes official notice of its records and the fact that Respondent failed to  
18 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
19 waived her right to a hearing on the merits of Accusation No. 7802.

20          7.     California Government Code section 11520(a) states, in pertinent part:

21               (a) If the respondent either fails to file a notice of defense . . . or to appear at  
22 the hearing, the agency may take action based upon the respondent's express  
23 admissions or upon other evidence and affidavits may be used as evidence without  
24 any notice to respondent . . . .

25          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
26 Respondent is in default. The Board will take action without further hearing and, based on the  
27 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
28 finds that the charges and allegations in Accusation No. 7802, are separately and severally, found  
to be true and correct by clear and convincing evidence.

          9.     The Board finds that the actual costs for Investigation and Enforcement are  
\$1,825.50, as of October 10, 2024.

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Mitzi Uy Santander Jarvina has  
3 subjected her Pharmacy Technician License No. TCH 19914 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: Acts  
8 Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption, violating Business and  
9 Professions Code sections 4300 and 4301, subdivision (f).

10 **ORDER**

11 IT IS SO ORDERED that Pharmacy Technician License No. TCH 19914, issued to  
12 Respondent Mitzi Uy Santander Jarvina, is revoked.

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

17 Upon revocation per this Order, under Business and Professions Code section 4307, subdivision  
18 (a), Respondent shall be prohibited from serving as a manager, administrator, owner, member, officer,  
19 director, associate, partner, or serving in any other position with management or control of a licensee.  
20 This prohibition shall continue until the license is issued or reinstated.

21 This Decision shall become effective at 5:00 p.m. on December 12, 2024.

22 It is so ORDERED on November 12, 2024.

23 BOARD OF PHARMACY  
24 DEPARTMENT OF CONSUMER AFFAIRS  
25 STATE OF CALIFORNIA

26 By



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

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DOJ Matter ID:LA2024601690  
Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(MITZI UY SANTANDER JARVINA)

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Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
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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. 7802

13 **MITZI UY SANTANDER JARVINA**  
14 **19317 Wiersma Ave**  
**Cerritos, CA 90703**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **19914**

Respondent.

17  
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 (Board).

22 2. On or about August 14, 1996, the Board issued Pharmacy Technician License  
23 Number TCH 19914 to Mitzi Uy Santander Jarvina (Respondent). The Pharmacy Technician  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on September 30, 2025, 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           4.     Section 4300, subdivision (a), states that “[e]very license issued may be suspended or  
2     revoked.”

3           5.     Section 4300.1 states:

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

### 10                                 STATUTORY PROVISIONS

11           6.     Section 4301 states, in pertinent part:

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

15                 . . . .

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

19                 . . . .

20           7.     Section 4307 states:

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

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

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

38                 (b) Manager, administrator, owner, member, officer, director, associate, partner,  
39                 or any other person with management or control of a license as used in this section  
40                 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 the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

### **COST RECOVERY**

8. Section 125.3 provides 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.

### **CAUSE FOR DISCIPLINE**

#### **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

9. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that, Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, as follows:

a. Respondent removed her son from his sole custody father's residence for a weekend visitation and refused to return her son, the child, to his father. On or about August 8, 2022, after several failed attempts to retrieve the child by the father, his attorney and law enforcement officer, it was determined that Respondent was purposely withholding and preventing the child from seeing, speaking to, or returning to his father. A child abduction report was filed.

b. On or about August 17, 2022, the father filed a Missing Person Report of the child. On or about September 8, 2022, a child abduction case was filed against Respondent in the criminal proceeding entitled *The People of the State of California v. Mitzi Jarvina* (Super. Ct. L.A. County, No. BA505308.) Subsequently, on or about September 8, 2022, the father, his attorney and a law enforcement officer served Respondent with an updated court order at her residence. Respondent and her son's grandmother refused to release the child to the custody of his father. Respondent was arrested for violation of Penal Code section 278, child stealing. The criminal matter is pending.

1 **OTHER MATTERS**

2 10. Pursuant to section 4307, if discipline is imposed on Pharmacy Technician License  
3 Number TCH 19914, issued to Respondent Mitzi Uy Santander Jarvina,, for conduct that  
4 occurred while Respondent had knowledge of or knowingly participated in the conduct for which  
5 Respondent was disciplined, then Respondent shall be prohibited from serving as a manager,  
6 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
7 Pharmacy Technician License Number TCH 19914 is placed on probation or until it is reinstated  
8 if it is revoked.

9 **PRAYER**

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

12 1. Revoking or suspending Pharmacy Technician License Number TCH 19914, issued  
13 to Mitzi Uy Santander Jarvina;

14 2. Prohibiting Mitzi Uy Santander Jarvina from serving as a manager, administrator,  
15 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
16 Technician License Number TCH 19914, issued to Mitzi Uy Santander Jarvina, is placed on  
17 probation or reinstated if revoked;

18 3. Ordering Mitzi Uy Santander Jarvina to pay the Board of Pharmacy the reasonable  
19 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
20 Code section 125.3; and

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

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23  
24 DATED: 6/12/2024

Sodergren, Anne@DCA  
Digitally signed by  
Sodergren, Anne@DCA  
Date: 2024.06.12  
19:08:54 -07'00'  
\_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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