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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. 7812

13 **JESSICA SAMANTHA CABADAS**

DEFAULT DECISION AND ORDER

14 15978 Sunburst Dr.
Fontana, CA 92336

[Gov. Code, §11520]

15 Pharmacy Technician License No. TCH
177332

16 Respondent.
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19 **FINDINGS OF FACT**

20 1. On or about June 10, 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. 7812 against Jessica Samantha Cabadas (Respondent) before the Board of
23 Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about April 7, 2020, the Board of Pharmacy (Board) issued Pharmacy
25 Technician License No. TCH 177332 to Respondent. The Pharmacy Technician License expired
26 on July 1, 2022, and has not been renewed.

27 3. On or about June 17, 2024, Respondent was served by Certified and First Class Mail
28 copies of the Accusation No. 7812, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
3 is required to be reported and maintained with the Board. Respondent's address of record was
4 and is: 15978 Sunburst Dr. , Fontana, CA 92336.

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

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

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

13 6. The Board takes official notice of its records and the fact that Respondent failed to
14 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
15 waived her right to a hearing on the merits of Accusation No. 7812.

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

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
24 finds that the charges and allegations in Accusation No. 7812, are separately and severally, found
25 to be true and correct by clear and convincing evidence.

26 9. The Board finds that the actual costs for Investigation and Enforcement are \$1,283.25
27 as of August 15, 2024.

28 **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Jessica Samantha Cabadas has
subjected her Pharmacy Technician License No. TCH 177332 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Business and Professions Code sections 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy technician.

b. Business and Professions Code section 4301, subdivision (h), in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

ORDER

IT IS SO ORDERED that Pharmacy Technician License No. TCH 177332, issued to Respondent Jessica Samantha Cabadas, is revoked.

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

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

This Decision shall become effective at 5:00 p.m. on November 6, 2024.

It is so ORDERED on October 7, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

67010520
DOJ Matter ID:LA2024601719

By



Attachment:
Exhibit A: Accusation

Seung W. Oh, Pharm.D.
Board President

Exhibit A

Accusation

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2 ARMANDO ZAMBRANO
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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. 7812

13 **JESSICA SAMANTHA CABADAS**

ACCUSATION

14 15978 Sunburst Dr.
Fontana, CA 92336

15 Pharmacy Technician License No. TCH
177332

16 Respondent.
17

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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 April 7, 2020, the Board issued Pharmacy Technician License Number
23 TCH 177332 to Jessica Samantha Cabadas (Respondent). The Pharmacy Technician License
24 expired on March 31, 2022, and was canceled on July 1, 2022.

25 **JURISDICTION**

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

28 ///

1 4. Section 4300 states:

2 (a) Every license issued may be suspended or revoked.

3 (b) The board shall discipline the holder of any license issued by the board,
4 whose default has been entered or whose case has been heard by the board and found
guilty, by any of the following methods:

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

7 (3) Suspending his or her right to practice for a period not exceeding one year.

8 (4) Revoking his or her license.

9 (5) Taking any other action in relation to disciplining him or her as the board in
10 its discretion may deem proper.

11 (c) The board may refuse a license to any applicant guilty of unprofessional
conduct. The board may, in its sole discretion, issue a probationary license to any
12 applicant for a license who is guilty of unprofessional conduct and who has met all
other requirements for licensure. The board may issue the license subject to any
13 terms or conditions not contrary to public policy, including, but not limited to, the
following:

14 (1) Medical or psychiatric evaluation.

15 (2) Continuing medical or psychiatric treatment.

16 (3) Restriction of type or circumstances of practice.

17 (4) Continuing participation in a board-approved rehabilitation program.

18 (5) Abstention from the use of alcohol or drugs.

19 (6) Random fluid testing for alcohol or drugs.

20 (7) Compliance with laws and regulations governing the practice of pharmacy.

21 (d) The board may initiate disciplinary proceedings to revoke or suspend any
probationary certificate of licensure for any violation of the terms and conditions of
22 probation. Upon satisfactory completion of probation, the board shall convert the
probationary certificate to a regular certificate, free of conditions.

23 (e) The proceedings under this article shall be conducted in accordance with
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
24 Government Code, and the board shall have all the powers granted therein. The
action shall be final, except that the propriety of the action is subject to review by the
25 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

26 5. Section 4300.1 states:

27 The expiration, cancellation, forfeiture, or suspension of a board-issued license
28 by operation of law or by order or decision of the board or a court of law, the

1 placement of a license on a retired status, or the voluntary surrender of a license by a
2 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.

3 **STATUTORY PROVISIONS**

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

7 7. Section 4301 states, in pertinent part:

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

10 . . .

11 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
12 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.

13 . . .

14 (l) The conviction of a crime substantially related to the qualifications,
15 functions, and duties of a licensee under this chapter. The record of conviction of a
16 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
17 States Code regulating controlled substances or of a violation of the statutes of this
18 state regulating controlled substances or dangerous drugs shall be conclusive
19 evidence of unprofessional conduct. In all other cases, the record of conviction shall
20 be conclusive evidence only of the fact that the conviction occurred. The board may
21 inquire into the circumstances surrounding the commission of the crime, in order to
22 fix the degree of discipline or, in the case of a conviction not involving controlled
23 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.

24 8. Section 4307 states:

25 (a) Any person who has been denied a license or whose license has been
26 revoked or is under suspension, or who has failed to renew his or her license while it
27 was under suspension, or who has been a manager, administrator, owner, member,
28 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,

1 director, associate, partner, or any other person with management or control had
2 knowledge of or knowingly participated in any conduct for which the license was
3 denied, revoked, suspended, or placed on probation, shall be prohibited from serving
4 as a manager, administrator, owner, member, officer, director, associate, partner, or in
5 any other position with management or control of a licensee as follows:

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

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

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

15 (c) The provisions of subdivision (a) may be alleged in any pleading filed
16 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
17 the Government Code. However, no order may be issued in that case except as to a
18 person who is named in the caption, as to whom the pleading alleges the applicability
19 of this section, and where the person has been given notice of the proceeding as
20 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
21 the Government Code. The authority to proceed as provided by this subdivision shall
22 be in addition to the board's authority to proceed under Section 4339 or any other
23 provision of law.

24 **REGULATORY PROVISIONS**

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

26 (a) For the purpose of denial, suspension, or revocation of a personal or facility
27 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
28 Business and Professions Code, a crime, professional misconduct, or act shall be
considered substantially related to the qualifications, functions or duties of the
practice, 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 states, 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.

FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

11. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a pharmacy technician. Specifically, on or about April 19, 2022, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 487, subdivision (a) [grand theft of personal property] in the criminal proceeding entitled *The People of the State of California v. Jessica Samantha Cabadas* (Super. Ct. San Bernardino, 2022, No. FWV20001664). The court sentenced Respondent to serve 90 days in jail, and placed her on 12 months' probation, with terms and conditions. The circumstances surrounding the conviction are that on or about March 3, 2020, officers responded to a report of an illegitimate rental agreement where the victim arrived at the property looking to rent the back house on the property. The homeowner informed the victim that there was no backhouse and that he had never listed or given permission to anyone to list a back house or any portion of the property. During a

1 subsequent investigation, police officers discovered that Respondent posted a fraudulent listing of
2 said rental property on Craigslist and charged several individuals money for backgrounds checks.
3 In this instance, Respondent had requested and received money from the victim for a background
4 check, deposit, and the first months' rent. During an interview with Respondent, she admitted to
5 defrauding five other people by listing the same property for rent that did not belong to her using
6 Craigslist.

7 **SECOND CAUSE FOR DISCIPLINE**

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

9 12. Respondent is subject to disciplinary action under section 4301, subdivision (h), on
10 the grounds of unprofessional conduct, in that on or about March 3, 2020, Respondent committed
11 acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to,
12 and by this reference incorporates, the allegations set forth above in paragraph 11, as though fully
13 set forth herein.

14 **OTHER MATTERS**

15 13. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
16 License Number TCH 177332 issued to Jessica Samantha Cabadas, Jessica Samantha Cabadas
17 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
18 associate, or partner of a licensee for five years if Pharmacy Technician License Number TCH
19 177332 is placed on probation or until Pharmacy Technician License Number TCH 177332 is
20 reinstated if it is revoked.

21 **PRAYER**

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 Pharmacy Technician License Number TCH 177332, issued to Jessica
25 Samantha Cabadas;

26 2. Prohibiting Jessica Samantha Cabadas from serving as a manager, administrator, owner,
27 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Technician
28 License Number TCH 177332 is placed on probation or until Pharmacy Technician License

Number TCH 177332 is reinstated if Pharmacy Technician License Number TCH 177332 issued to Jessica Samantha Cabadas is revoked;

3. Ordering Jessica Samantha Cabadas 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: 6/10/2024

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2024.06.10 19:47:01
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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