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

In the Matter of the Accusation Against:

**JULIAN FIGUEROA
1331 S. Rita Way
Santa Ana, CA 92704**

**Pharmacy Technician Registration No.
TCH 148457**

Respondent.

Case No. 7824

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about October 17, 2024, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7824 against Julian Figueroa (Respondent). (Accusation attached as Exhibit A.)

2. On or about May 22, 2015, the Board issued Pharmacy Technician Registration No. TCH 148457 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 7824 and will expire on May 31, 2025, unless renewed.

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1 3. On or about October 24, 2024, Respondent was served by Certified and First-Class
2 Mail copies of the Accusation No. 7824, 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 his address of record which, pursuant to California Code of Regulations, title 16,
5 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
6 of record was and is: 1331 S. Rita Way, Santa Ana, CA 92704.

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

10 5. Government Code section 11506, subd. (c), states:

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

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
18 waived his right to a hearing on the merits of Accusation No. 7824.

19 7. California Government Code section 11520, subd. (a), states:

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

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 finds that the charges and allegations in Accusation No. 7824, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

 9. The Board finds that the actual costs for Investigation and Enforcement are \$3,768.75
as of December 10, 2024.

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DETERMINATION OF ISSUES

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2 1. Based on the foregoing findings of fact, Respondent Julian Figueroa has subjected his
3 Pharmacy Technician Registration No. TCH 148457 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 Registration 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 pharmacy technician registration to disciplinary
9 action under Code sections 490 and 4301, subdivision (l).

10 b. Respondent has further subjected his pharmacy technician registration to
11 disciplinary action under Code section 4301, subdivision (f).

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 148457, issued to Respondent Julian Figueroa, is revoked.

Pursuant to Code section 4307, Respondent shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee.

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.

This Decision shall become effective at 5:00 p.m. on March 12, 2025.

It is so ORDERED on February 10, 2025.

FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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Attachment:
Exhibit A: Accusation No. 7824

Exhibit A

Accusation No. 7824

(JULIAN FIGUEROA)

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIANE DE KERVOR
Deputy Attorney General
4 State Bar No. 174721
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9415
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 7824

13 **JULIAN FIGUEROA**
14 **1331 S. Rita Way**
Santa Ana, CA 92704

ACCUSATION

15 **Pharmacy Technician Registration No.**
16 **TCH 148457**

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 May 22, 2015, the Board issued Pharmacy Technician Registration
23 Number TCH 148457 to Julian Figueroa (Respondent). On December 21, 2023, in the Matter of
24 the *People v. Julian Figueroa*, Los Angeles Superior Court Case No. 23CR06110, the Court
25 ordered that Respondent shall be restricted from engaging, either directly or indirectly, in any
26 activity for which a pharmacy technician registration is required until the final disposition of Case
27 No. 23CR06110, pursuant to Penal Code section 23 and in the interest of public safety. The
28 Pharmacy Technician Registration will expire on May 31, 2025, unless renewed.

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 4300, subdivision (a), states, "Every license issued may be suspended or
6 revoked."

7 5. Code section 4300.1 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 placement
10 of a license on a retired status, or the voluntary surrender of a license by a licensee shall
11 not deprive the board of jurisdiction to commence or proceed with any investigation
12 of, or action or disciplinary proceeding against, the licensee or to render a decision
13 suspending or revoking the license.

14 6. Code section 4307, subdivision (a) states:

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

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

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

STATUTORY PROVISIONS

7. Code section 482 states:

(a) Each board under this code shall develop criteria to evaluate the rehabilitation
of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480.

(2) Considering suspension or revocation of a license under Section 490.

(b) Each board shall consider whether an applicant or licensee has made a
showing of rehabilitation if either of the following are met:

1 (1) The applicant or licensee has completed the criminal sentence at issue
2 without a violation of parole or probation.

3 (2) The board, applying its criteria for rehabilitation, finds that the applicant
4 is rehabilitated.

5 ...

6 (d) This section shall become operative on July 1, 2020.

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

10 9. Code section 493 states:

11 (a) Notwithstanding any other law, in a proceeding conducted by a board within
12 the department pursuant to law to deny an application for a license or to suspend or
13 revoke a license or otherwise take disciplinary action against a person who holds a
14 license, upon the ground that the applicant or the licensee has been convicted of a crime
15 substantially related to the qualifications, functions, and duties of the licensee in
16 question, the record of conviction of the crime shall be conclusive evidence of the fact
17 that the conviction occurred, but only of that fact.

18 (b) (1) Criteria for determining whether a crime is substantially related to the
19 qualifications, functions, or duties of the business or profession the board regulates
20 shall include all of the following:

21 (A) The nature and gravity of the offense.

22 (B) The number of years elapsed since the date of the offense.

23 (C) The nature and duties of the profession.

24 (2) A board shall not categorically bar an applicant based solely on the type
25 of conviction without considering evidence of rehabilitation.

26 (c) As used in this section, "license" includes "certificate," "permit," "authority,"
27 and "registration."

28 ...

(e) This section shall become operative on July 1, 2020.

10. 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.].

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1 11. Code section 4301 states:

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

5 ...

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

9 ...

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

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REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1769, subdivision (c), states:

21 When considering the suspension or revocation of a facility or a personal
22 license on the ground that the licensee has been convicted of a crime, the board will
23 consider whether the licensee made a showing of rehabilitation and is presently fit for
24 a license, if the licensee completed the criminal sentence at issue without a violation
25 of parole or probation. In making this determination, the board will consider the
26 criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the
27 criminal sentence at issue without a violation of parole or probation or the board
28 determines that the licensee did not make the showing of rehabilitation based on the
29 criteria in subdivisions (b)(1)(A) through (E), the board will apply the following
30 criteria in evaluating the licensee's rehabilitation:

(1) Nature and gravity of the act(s) or offenses.

(2) Total criminal record.

1 (3) The time that has elapsed since commission of the act(s) or offenses.

2 (4) Whether the licensee has complied with all terms of parole, probation,
3 restitution or any other sanctions lawfully imposed against the licensee.

4 (5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

5 (6) Evidence, if any, of rehabilitation submitted by the licensee, including as
6 provided in the board's Disciplinary Guidelines, identified in section 1760.

7 13. California Code of Regulations, title 16, section 1770, states:

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

16 (b) In making the substantial relationship determination required under
17 subdivision (a) for a crime, the board will consider the following criteria:

18 (1) The nature and gravity of the offense;

19 (2) The number of years elapsed since the date of the offense; and

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

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

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

27 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
28 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.

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1 **COST RECOVERY**

2 14. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(February 22, 2024 Criminal Conviction for Arranging a Meeting with a Minor with the**
10 **Intent to Commit a Sexual Offense in July of 2023)**

11 15. Respondent has subjected his pharmacy technician registration to disciplinary action
12 under Code sections 490 and 4301, subdivision (I), because he was convicted of a crime that is
13 substantially related to the qualifications, functions, and duties of a pharmacy technician. On
14 February 22, 2024, in a criminal proceeding entitled *The People of the State of California v.*
15 *Julian Figueroa*, in Santa Barbara County Superior Court, Case Number 23CR06110,
16 Respondent pled guilty and was convicted of arranging a meeting with a minor with intent to
17 commit a sexual offense (Pen. Code, § 288.4, subd. (b)), a serious felony within the meaning of
18 Penal Code section 1192.7, subdivision (c). An additional felony charge of communicating with
19 a person believed to be a minor with intent to commit an offense (Pen. Code, § 288.3, subd. (a))
20 was dismissed pursuant to the plea agreement.

21 16. On March 28, 2024, the Court suspended the pronouncement of judgment and granted
22 Respondent probation for two years with certain terms that include, but are not limited to, one day
23 in county jail with a credit of one day for time served, court fines, and participation in an
24 alcohol/drug treatment screening and assessment, mental health treatment and sex offender
25 therapy. The terms of probation also require Respondent to abstain from alcohol, submit to
26 immediate search/seizure, and register as a sex offender for the duration of his life, pursuant to
27 Penal Code 290; and prohibit Respondent from associating with children under the age of
28 eighteen and owning/possessing any weapons.

1 17. The circumstances that led to the conviction are that on July 12, 2023, Respondent
2 began communicating with a police officer posing as a 14-year-old female (purported minor) via
3 various online platforms. During the communication, Respondent informed the purported minor
4 that he worked at a hospital, and asked the purported minor for photos. Respondent then made
5 plans to meet the purported minor in person (even though he was admittedly three hours away).
6 Respondent then suggested spending the night with the purported minor. Respondent told the
7 purported minor, “So full sex? I’m getting excited just thinking about it.” He informed the
8 purported minor that he was “hard” and that she was making him “horny,” and also asked her to
9 “surprise him with a sexy picture.”

10 18. On July 13, 2023, Respondent made plans to meet the purported minor on the next
11 day. He told the purported minor that he could buy her a, “Plan B” pill and asked her how much
12 sex they would have. He also stated, “I wanna eat you too...Lick your pussy.” [sic] – and asked
13 if the purported minor was “shaved down there.” Respondent made plans to pick the purported
14 minor up at 1100 hours the following day.

15 19. On July 14, 2023, Respondent told the purported minor that he bought her the pill.
16 He discussed having to leave by a particular hour to meet the purported minor at the agreed upon
17 location. He also stated, “Wow, I get to pop your cherry” and told her that she would bleed since
18 it is her “first time.” Respondent then updated the purported minor with his estimated arrival time
19 and the conditions of traffic. After Respondent drove to the meeting location, he was ultimately
20 stopped by police officers. He consented to a search of his vehicle – during which the officers
21 located the “Plan B” pill. Before being booked, Respondent admitted to the arresting officers that
22 he met a person claiming to be 14-years-old and communicated with them on two social media
23 platforms. He admitted to discussing engaging in sex acts, including sexual intercourse, and
24 planning to meet for sex. He admitted to obtaining a “Plan B” pill from the pharmacy at his
25 work. He also admitted to driving to Santa Maria from Orange, CA after discussing having sex
26 with the person that was claiming to be a minor.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude)**

3 20. Respondent has further subjected his pharmacy technician registration to disciplinary
4 action under Code section 4301, subdivision (f), because he committed acts involving moral
5 turpitude, as set forth above, incorporated herein by reference.

6 **OTHER MATTERS**

7 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Technician
8 Registration Number TCH 148457, issued to Julian Figueroa, he shall be prohibited from serving
9 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
10 for five years if the Pharmacy Technician License is placed on probation or until the Pharmacy
11 Technician License is reinstated, if it is revoked.

12 **PRAYER**

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

15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 148457,
16 issued to Respondent Julian Figueroa;

17 2. Prohibiting Respondent Julian Figueroa from serving as a manager, administrator,
18 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
19 Technician License Number TCH 148457 is placed on probation or until the Pharmacy
20 Technician License is reinstated, if it is revoked;

21 3. Ordering Respondent Julian Figueroa to pay the Board of Pharmacy the reasonable
22 costs of the investigation and enforcement of this case, pursuant to Business and Professions
23 Code section 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

DATED: 10/17/2024

Sodergren,
Anne@DCA

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Sodergren, Anne@DCA
Date: 2024.10.17 06:00:54
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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