

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

**In the Matter of the Statement of Issues Against:**

**ERIC KENNETH WRIGHT, JR., Respondent**

**Pharmacy Technician License Applicant**

**Agency Case No. 7925**

**OAH No. 2025041015**

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on December 3, 2025.

It is so ORDERED on November 3, 2025.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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**Case No. 7925**

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**PROPOSED DECISION**

Jami A. Teagle-Burgos, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on August 13, 2025.

Victoria Hester, Deputy Attorney General, Office of the Attorney General, Department of Justice, appeared and represented complainant Anne Sodergren, Executive Officer of the California Board of Pharmacy (Board).

Eric Kenneth Wright, respondent, appeared and represented himself.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on August 13, 2025.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On March 15, 2024, the Board received from respondent a pharmacy technician application. Respondent signed the application under penalty of perjury on March 12, 2024.
2. On September 16, 2024, the Board denied the application. On September 25, 2024, the Board received respondent's timely request to appeal the denial of the application.
3. On December 1, 2024, while acting in her official capacity, complainant filed the Statement of Issues, which alleged cause for denial of respondent's application due to his criminal conviction.
4. This hearing followed.

### **Complainant's Evidence**

#### **CONVICTION**

5. On July 12, 2022, in the Superior Court of California, County of Los Angeles, Case No. 2BL00516, respondent was convicted on his plea of nolo contendere of violating Vehicle Code section 23152, subdivision (a), driving under the influence (DUI) of an alcoholic beverage, a misdemeanor. Respondent was placed on probation for 36 months under the following terms and conditions: complete a six-month first offender DUI program; attend a Mothers Against Drunk Driving (MADD) Victim Impact Program; and pay fines, fees, and restitution. Respondent completed his probation and it was terminated on July 27, 2025.

6. The circumstances of respondent's conviction are found in a report that was prepared by the California Highway Patrol (CHP), and admitted pursuant to *Lake v. Reed* (1997) 16 Cal.4th 448.<sup>1</sup> On October 10, 2021, at approximately 5:19 a.m., a CHP officer responded to a vehicle blocking traffic. Respondent was passed out inside the vehicle with the engine running. When respondent stepped out of the vehicle, he was confused and disoriented and was observed to have slurred speech and an odor of alcohol emitting from his breath. Respondent admitted to consuming alcohol beverages and was arrested. He declined to submit to a preliminary alcohol screening test and chose to submit to a blood test, which resulted in a blood alcohol content (BAC) of 0.20 percent.

#### **TESTIMONY OF TRANG SONG, PHARM.D.**

7. The following is a summary of the testimony of Trang Song, Pharm.D. She has been a licensed pharmacist since 1997 and an inspector for the Board since

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<sup>1</sup> In *Lake*, the California Supreme Court concluded that direct observations memorialized in a police officer's report were admissible under Evidence Code section 1280, the public employee records exception to the hearsay rule, and were sufficient to support a factual finding. The court further concluded that admissions by a party memorialized in such a report were admissible under Evidence Code section 1220 and were sufficient to support a factual finding. Citing Government Code section 11513, the court held that other hearsay statements set forth in the police officer's report could be used to supplement or explain other evidence, but they were not sufficient, by themselves, to support a factual finding, unless the hearsay evidence would be admissible over objection in civil actions.

2014. She earned a doctorate in pharmacy in 1997 from the University of Southern California. Prior to becoming a Board inspector, Dr. Song worked as a staff pharmacist at Kaiser Permanente (Kaiser), a retail pharmacy, and a long-term care facility. As a staff pharmacist, her duties were to check and process prescriptions, oversee pharmacy technicians, consult with doctors and nurses, and dispense medications. Dr. Song also worked as a pharmacist in charge (PIC) at a large state hospital. All pharmacies must have a PIC. The Board approves applications for PIC. PICs are responsible to ensure that laws and regulations are followed. Dr. Song's duties as a Board inspector include inspecting pharmacies, investigating complaints, monitoring licensees on probation, and testifying when called to do so. She has conducted more than 950 inspections and about 300 investigations of pharmacies and licensees.

8. Dr. Song is familiar with the role of pharmacy technicians as they work under the direct supervision of a pharmacist. She has been employed where she was responsible for supervising pharmacy technicians. A pharmacy technician typically works in a retail setting where they are "essentially the right hand of the pharmacist." A retail pharmacy technician receives patient prescriptions and information for billing, processes prescriptions, pulls medications off the shelf, prepares medications for the pharmacist to check, sometimes places orders for medications, and puts medications away when they are received. A pharmacy technician in a hospital setting might also be trained to assist with compound medications. Pharmacy technicians are trained to administer vaccinations. They have access to controlled substances depending on where they work. They have access to patient records and everything in the pharmacy database. It is important that pharmacy technicians are responsible and exercise good judgement in order to protect the public, as a minor mishap could result in great harm such as dispensing the wrong medication to a patient. Pharmacy technicians need to

be honest and trustworthy because the pharmacist relies on them to perform all the non-discretionary tasks to free up the pharmacist.

9. Dr. Song testified she reviewed the investigation report prepared on September 3, 2024, by Michelle Gallagher, a Board enforcement analyst. The report referred to respondent's arrest for DUI on October 21, 2021, after he was found unconscious in the driver's seat of a vehicle and his blood test showed a BAC of 0.209 percent. The report referenced respondent's conviction for DUI on July 12, 2022, and his completion of his probation terms and conditions. Respondent submitted a letter of explanation to the Board with his application. He also submitted a certificate of completion for a six-month DUI program to the Board as mitigating evidence. Ms. Gallagher determined respondent violated Business and Professions Code section 480, subdivision (a)(1), such that his application should be denied based on his conviction of a crime. Dr. Song did not specifically testify as to her opinion of Ms. Gallagher's assessment to deny respondent's application for licensure.

10. On cross-examination, Dr. Song was asked if she believed individuals who are denied can make positive changes. She replied, "Yes."

## **Respondent's Evidence**

### **TESTIMONY OF CECILIA DUCKWORTH**

11. The following is a summary of the testimony of Cecilia Duckworth. She is the mother of respondent. She has seen a lot of changes in respondent since his DUI. He has worked through a lot of depression he was experiencing at that time related to the loss of his younger sister. Her daughter, Iman, was murdered on January 19, 2020, when she was 23 years old. The murder was "all over the news." Iman was four years younger than respondent and they were very close. Their family was going through a

lot of grief. Respondent was arrested for DUI in October 2021. Respondent has taken accountability for his DUI and did not make any excuses. She reminded him that his DUI does not determine who he is. He admitted to his fault and that he can do better. She had never seen respondent intoxicated except during this incident. She stated, "The amount of condemnation was so much because [respondent] was so remorseful."

12. Ms. Duckworth testified respondent has gained coping skills since his DUI. He does not use alcohol or drugs at all to cope. He is "faith-based" and "God is a constant in his life." Their Sundays are filled with the gospel. Respondent's spiritual belief has helped him and is constant and he has not wavered in it. She stated, "It is more about prayer and being there for one another and to learn how to cope." He "uses his faith. . . putting it in God's hands even when man won't."

13. Ms. Duckworth stated respondent is her "rock." She recently went through radiation and chemotherapy for cancer. Respondent took time off from his job at Kaiser's mail-order pharmacy to care for her. She does not know a lot of young men who would do that. He lives nearby and they talk nearly every day. He also visits her two to three times each week to help her. He takes out her trash and washes her clothes and blankets. Respondent is also doing very well at his job at Kaiser.

### **TESTIMONY AND SUPPORTING EVIDENCE OF RESPONDENT**

14. The following is a summary of respondent's testimony, which is consistent with his letter of explanation and supporting evidence. Respondent is very aware of his DUI conviction on his record. He has grown and put himself in a position to better his life and his career. Concerning his probation, respondent submitted documentation from ABC Traffic Programs indicating he completed the court-ordered program on January 17, 2023, which included eight individual alcohol-education

sessions, 14 group sessions, other monitoring sessions, and 13 self-help meetings. He learned from others in the program. He submitted a certificate showing he completed a MADD course on January 7, 2023. He recalled listening to the testimonies of parents who lost their children to drunk drivers. It was very emotional. The MADD course was "very impactful" and an "eye opener." Respondent submitted a letter of explanation to the Board that he titled, "Statement of Remorse." He wrote that he accepted full responsibility for his actions that led to his DUI arrest and conviction.

15. Respondent testified, "I picked myself up and put myself back together." He aspires to be a "better person" than who he was on October 10, 2021, when he was arrested for a DUI. He was 27 years old at that time. He is now 32. He submitted his Pharmacy Technician Program Certificate, dated July 11, 2022, issued by Mount San Jacinto College. He submitted a certificate issued to him on November 30, 2023, by the Pharmacy Technician Certification Board (PTCB). He submitted documentation of his PTCB examination score of 1530 out of 1600. His "end goal" is to become a registered nurse and becoming a pharmacy technician is a "building block."

16. Respondent submitted his most recent work evaluation from Kaiser for the period from 2022 to 2024. He is due for another work evaluation and waiting on his supervisor to schedule it. His current position is a pharmacy assistant/clerk/cashier at Kaiser's mail-order pharmacy that is located in the administrative offices across from Kaiser's medical center in Downey. He has held this position since October 2022 until present. Prior to this position, respondent worked at Kaiser as the lead transporter of patients at the Downey medical center. He has missed work only to care for his mother during her cancer treatments. Respondent's work evaluation reported he was "fully effective"; he had good customer service skills and could resolve member's concerns; he could identify system issues and notified supervisors of such issues; he prioritized

tasks correctly and efficiently; he displayed “excellent teamwork” and was “always willing to work with management”; he had no processing errors; he had no compliance or integrity concerns; he had “very good verbal and written skills”; and he was a “great worker” with “potential to excel.”

17. Respondent submitted a letter of support from Felix Umukoro, which was undated but respondent testified was dated approximately on June 9, 2025. Mr. Umukoro wrote that he was respondent’s supervisor when respondent worked at a psychiatric hospital. He has become a mentor to respondent. He offered his full support and recommended respondent be issued a license. He described respondent as having “high integrity, strong work ethic, and deep compassion for others.” He also wrote that respondent “demonstrated exceptional professionalism, a dedication to patient care, and a genuine commitment to impact people (*sic*) lives in every way possible.” He was aware of respondent’s DUI conviction, which he found “unbelievable considering [respondent’s] responsible nature.” He wrote respondent has positioned himself to overcome that “terrible setback” and was confident that respondent would have the highest level of professionalism with patients and those in the community.

18. The following is a summary of respondent’s testimony on cross-examination. He grew up in Long Beach and graduated from high school in 2011. He played football in high school and wanted to pursue a career in football but an injury “closed that chapter.” He was not sure what he wanted to do. He considered a career in law enforcement but ruptured a ligament in his hand during training at the Los Angeles Police Department Academy. He worked odd jobs including as security for six years at College Hospital of Cerritos, which is a psychiatric hospital. Nursing was always an option, as his mother is a retired registered nurse. He decided on nursing

and he is taking the steps leading up to becoming a registered nurse such as becoming a pharmacy technician. His current position is as a pharmacy assistant.

19. Respondent was asked about his DUI arrest on October 10, 2021. He stated, "I take full responsibility." Initially, respondent was not driving his brother's vehicle but his brother was not okay to drive, so they pulled over and respondent decided to drive. He did not make a "sound judgment" call and "ended up getting behind the wheel" when he should not have done so. He and his brother and friends had watched a boxing match earlier in the day and had some beers. Then they went to a bar where he had more beers. Prior to this incident, he was not much of a drinker and always used Uber. He understands how dangerous his actions were. He is also aware of his grief over his sister's murder and how that contributed to the incident. Respondent noted when the CHP officer approached the vehicle, the vehicle was idling just outside the cemetery where his sister is buried. He did not intend to stop there. He stated, "It was like I had an angel." He and his sister were very close.

20. Respondent utilizes coping skills to manage his grief. He is "very into fitness" and he helps with coaching his nephews who play sports. He also speaks with Mr. Umukoro, his mentor, about twice a month, and he last saw him about three months before the hearing. He understands why the Board would be concerned about him being issued a license. He knows there is a "certain moral standard" he needs to hold himself up to. He is aware of why his application was denied. He hopes to move forward and beyond his DUI arrest and conviction.

## LEGAL CONCLUSIONS

1. In a hearing to determine whether a license should be granted or issued, the applicant must show compliance with the statutes and rules governing the license by producing proof at the hearing. (Gov. Code, § 11504; *Coffin v. Department of Alcoholic Beverage Control* (2006) 139 Cal.App.4th 471, 475) The standard of proof upon the applicant for a license is a preponderance of the evidence. (Evid. Code, § 115.)

2. The Board may deny a license on the grounds that the applicant has been convicted of a crime within the preceding seven years from the date of application that is "substantially related to the qualifications, functions, or duties of the business or profession for which the application was made, regardless of whether the applicant was incarcerated for that crime." (Bus. & Prof. Code, § 480, subd. (a)(1).) The preceding seven-year limitation shall not apply if the applicant was convicted of a serious felony (*id.*). A person shall not be denied a license on the basis of a conviction or acts underlying a conviction if that person obtained a certificate of rehabilitation, has been granted clemency or a pardon, or made a showing of rehabilitation pursuant to Section 482, or the conviction was dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code. (Bus. & Prof. Code, § 480, subds. (b) and (c).)

3. The Board shall develop criteria to evaluate the rehabilitation of a person when considering the denial of a license. (Bus. & Prof. Code, § 482, subd. (a).)

4. The record of a conviction of a crime shall be conclusive evidence of the fact that the conviction occurred. (Bus. & Prof. Code, § 493, subd. (a).)

5. The criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the business or profession shall include: the nature and gravity of the offense; the number of years elapsed since the date of the offense; the nature and duties of the profession. The Board shall not bar an applicant solely on the type of conviction without considering evidence of rehabilitation. (Bus. & Prof. Code, § 493, subd. (b)(1) and (b)(2).)

6. Unprofessional conduct is an act that would be grounds for discipline if done by a licensed pharmacy technician. Unprofessional conduct includes the conviction of a crime substantially related to the qualifications, functions, and duties of a licensed pharmacy technician. (Bus. & Prof. Code, §4301, subd. (l).)

7. For the purpose of a denial of a license, a crime shall be considered substantially related to the qualifications, functions, or duties of the practice 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." (Cal. Code Regs., tit. 16, § 1770.) The Board shall consider the following criteria in determining the substantial relationship determination: (1) nature and gravity of the offense; (2) number of years elapsed since the date of the offense; and (3) nature and duties of the practice. (*Ibid.*) Substantially related crimes, professional misconduct, or acts include a conviction for driving under the influence of drugs or alcohol. (Cal. Code Regs., tit. 16, § 1770; Bus. & Prof. Code, § 481, subds. (a) and (b).)

8. In reaching a decision on a disciplinary action under the Administrative Procedure Act (Gov. Code, § 11400 et seq.), the Board must consider the "Disciplinary Guidelines," as revised in April 2024 (Guidelines). Deviation from the Guidelines, including the standard terms of probation, is appropriate where the Board, in its sole

discretion, determines the facts of a particular case warrant such a deviation, such as the presence of mitigating factors, the age of the case, and evidentiary problems. (Cal. Code Regs., tit. 16, § 1760.) The Guidelines set forth that a respondent may submit evidence of mitigation to demonstrate their rehabilitative efforts and competence.

9. When considering the denial of a license under Business and Professions Code section 480, and in evaluating the rehabilitation of respondent and if respondent completed the criminal sentence without a violation of parole or probation, the Board must consider the following criteria: (1) The nature and gravity of the crime; (2) lengths of parole or probation; (3) extent to which parole or probation was lengthened or shortened; (4) terms or conditions of parole or probation, and the extent they bear on the applicant's rehabilitation; and (5) extent the terms or conditions of parole or probation were modified. (Cal. Code Regs., tit. 16, § 1769, subd. (b)(1).)

10. When considering the denial of a license under Business and Professions Code section 480, and in evaluating the rehabilitation of respondent and if respondent has not completed the criminal sentence without a violation of parole or probation and did not make a showing of rehabilitation according to the five criteria above, the Board must consider the following criteria: (1) The nature and gravity of the acts or offenses under consideration as grounds for denial; (2) evidence of any acts or crimes committed subsequent to the acts or crimes under consideration as grounds for denial; (3) the time that has elapsed since commission of the acts or offenses; (4) whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant; and (5) any evidence of rehabilitation submitted by the applicant. (Cal. Code Regs., tit. 16, § 1769, subd. (b)(2).)

11. When the Board denies an application, the applicant may reapply for a license one year after the effective date of the denial. The Board will consider all evidence of rehabilitation upon reapplication. (Cal. Code Regs., tit. 16, § 1768.)

## **Evaluation**

12. A pharmacy technician is responsible for dispensing dangerous drugs and controlled substances, and is entrusted with financial, personal, and confidential information about clients. The statutes relating to licensing are designed to protect the public from dishonest, untruthful, and disreputable licensees. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 451.) Administrative actions regarding a state-issued license are not for the primary purpose of punishing an individual. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Rather, in issuing and disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Ibid*, see also *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.)

13. Respondent was convicted of a misdemeanor DUI in 2022. Pursuant to Business and Professions Code sections 475 and 480, subdivision (a)(1), cause exists to deny respondent's application for licensure, as his conviction is substantially related to the qualifications, functions and duties of a pharmacy technician.

14. The next step is determine the appropriate outcome in this matter and whether respondent has been sufficiently rehabilitated. Remorse for one's conduct and the acceptance of responsibility are the cornerstones of rehabilitation. Rehabilitation is a "state of mind" and the law looks with favor upon rewarding one who has achieved "reformation and regeneration." (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.)

15. Respondent met his burden by showing by a preponderance of evidence that he has been sufficiently rehabilitated. He testified credibly that he acknowledged his misconduct leading to his arrest and conviction. He admitted to wrongfully consuming alcohol and getting behind the wheel of his brother's vehicle after a day of drinking. He was forthright about his BAC level of 0.20 percent and being asleep at the wheel while the vehicle idled on a road.

16. The testimony by respondent and his mother revealed his sister was murdered about one year earlier and he was dealing with depression stemming from that tragic event. Their entire family was struggling with grief. Respondent's mother credibly testified she had never seen respondent drunk before or after his arrest, and she was certain his drinking that day was related to his grief.

17. In addition, respondent credibly testified to his full compliance of his court-ordered three-year probation. He completed a 6-month DUI course, a MADD course, and group and individual therapy sessions. His probation terminated in July 2025. He had no incidents with the law before or after his DUI arrest and conviction.

18. Respondent and his mother credibly testified to his coping skills that include his commitment to religion and the gospel, and using his faith to help focus on his commitment to better himself, set goals, and meet those goals.

19. Respondent also provided essential care to his mother who has been battling cancer. He has taken time off work to care for her during and after her chemotherapy and radiation treatments. He brings her groceries and does her laundry twice a week. He takes time to help and be there for her.

20. Respondent was unsure of his career path after high school. He did odd jobs and eventually got a job in security at a psychiatric hospital where his supervisor,

Mr. Umukoro, became his mentor. Mr. Umukoro wrote a very strong letter that spoke to respondent's excellent work ethics, strong morals, and commitment to his goals.

21. Respondent eventually gained employment at Kaiser as a patient transporter where he earned his way to the lead position. He has shown remarkable commitment to maintaining his employment at Kaiser. He was promoted to a pharmacy assistant in the mail-order department. His position includes speaking with patients about their prescriptions and with third parties about billing. Respondent's most recent work evaluation showed he met all his work goals. His supervisor wrote respondent has great potential and excellent verbal skills with patients and coworkers. It is clear that he is a very good employee and has shown that he can be trusted and relied upon as a team member.

22. Respondent also testified to his ultimate goal of becoming a registered nurse like his mother. He credibly stated that after his arrest, he set a goal to better himself. Becoming a pharmacy technician is step to achieving his nursing goal.

23. Based on all the above, it is evident that respondent has been sufficiently rehabilitated such that protection of the public would not be hindered by issuing him a license. Since respondent recently completed his probation with the court, it is appropriate to place his pharmacy technician license on probation for a period of three years with the standard terms and conditions. This will allow the Board to monitor him as he gains his footing with his pharmacy technician license and to ensure he can be successful. There is no need to include any optional terms and conditions of probation, such as random alcohol/drug testing, as the record does not reflect that respondent has ever been diagnosed with substance addiction nor has he had any incidents involving law enforcement or alcohol before or after his arrest for DUI.

## **ORDER**

Upon satisfaction of all statutory and regulatory requirements for issuance of a pharmacy technician license, a license shall be issued to respondent ERIC KENNETH WRIGHT, JR., and immediately revoked; the order of revocation is stayed and respondent is placed on probation for three years on the following terms and conditions:

1. **OBEY ALL LAWS.**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint, information, or indictment for violation of any state and federal laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency

Failure to timely report such occurrence shall be considered a violation of probation.

2. **REPORT TO THE BOARD.**

Respondent shall report to the Board quarterly, on a schedule as directed by the Board. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

**3. INTERVIEW WITH THE BOARD.**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the Board, at such intervals and locations as are determined by the Board. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board during the period of probation, shall be considered a violation of probation.

**4. COOPERATE WITH BOARD STAFF.**

Respondent shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of respondent's compliance with the terms and conditions of his probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

**5. REPORTING OF EMPLOYMENT AND NOTICE TO EMPLOYERS.**

During the period of probation, respondent shall notify all present and prospective employers of the decision in Case No. 7925 and the terms, conditions, and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within ten (10) days of undertaking any new employment, respondent shall report to the Board in writing the name, physical address, and mailing address of each of his employer(s), and the name(s) and telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for leaving the prior employment and the last day worked. Respondent shall sign and return to the Board a written consent authorizing the Board to communicate with all of respondent's employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the Board concerning respondent's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of his employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in Case No. 7925, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's

responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within fifteen (15) days of the change acknowledging that they have read the decision in Case No. 7925, and the terms and conditions imposed thereby.

If respondent works for or is employed by or through an employment service, respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of the decision in Case No. 7925, and the terms and conditions imposed thereby in advance of respondent commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through an employment service, respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the Board in writing acknowledging that they have read the decision in Case No. 7925, and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

Failure to timely notify present or prospective employer(s) or failure to cause the identified person(s) with that/those employer(s) to submit timely written acknowledgments to the Board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacy technician, or any position for which a pharmacy technician license is a requirement or

criterion for employment, whether the respondent is an employee, independent contractor or volunteer.

**6. NOTIFICATION OF CHANGE(S) IN NAME, EMPLOYMENT, ADDRESS(ES), OR PHONE NUMBER(S).**

Respondent shall further notify the Board in writing within ten (10) days of any change in name, residence address, mailing address, email address, or phone number.

Failure to timely notify the Board of any change in employer, name, address, email address, or phone number within 10 days of the change, shall be considered a violation of probation.

**7. PROBATION MONITORING COSTS.**

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

**8. STATUS OF LICENSE.**

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current pharmacy technician license shall be considered a violation of probation.

If respondent's pharmacy technician license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication

respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

**9. LICENSE SURRENDER WHILE ON PROBATION/SUSPENSION.**

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may relinquish license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the Board.

Upon acceptance of the surrender, respondent shall relinquish their pocket and/or wall license, including any indicia of licensure not previously provided to the Board within ten (10) days of notification by the Board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

**10. CERTIFICATION PRIOR TO RESUMING WORK.**

Respondent shall be suspended, and shall not work as a pharmacy technician, until they have been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), submitted proof of certification to the Board, and been

notified by the Board that they may begin work. Failure to achieve certification within six (6) months of the effective date shall be considered a violation of probation.

During suspension, respondent shall not enter any pharmacy area or any portion of any other Board licensed premises where dangerous drugs and/or dangerous devices or controlled substances are maintained.

Respondent shall not exercise any of the privileges conveyed by the Board or assist any licensee of the Board. Respondent shall not have access to or control the ordering, distributing, manufacturing, or dispensing of dangerous drugs and/or dangerous devices or controlled substances.

During this suspension, respondent shall not engage in any activity that requires licensure as a pharmacy technician. Respondent shall not direct or control any aspect of any Board-licensed premises.

Failure to comply with any such suspension shall be a violation of probation.

**11. PRACTICE REQUIREMENT – EXTENSION OF PROBATION.**

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 80 hours per calendar month, or a minimum amount of hours per calendar month to be determined by his probation monitor. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the Board.

If respondent does not practice as a pharmacy technician in California for the minimum number of hours in any calendar month for any reason (including vacation),

respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which respondent will resume practice at the required level. Respondent shall further notify the Board in writing within ten (10) days following the next calendar month during which respondent practices as a pharmacy technician in California for the minimum hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months. The Board may post a notice of the extended probation period on its website.

## 12. **VIOLATION OF PROBATION.**

If respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and the Board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board may post a notice of the extended probation period on its website.

If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an

accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

13. **COMPLETION OF PROBATION.**

Upon written notice by the Board indicating successful completion of probation, respondent's license will be fully restored.

DATE: September 11, 2025



JAMI A. TEAGLE-BURGOS

Administrative Law Judge

Office of Administrative Hearings

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8  
9 **BEFORE THE  
BOARD OF PHARMACY**

10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

13 **ERIC KENNETH WRIGHT, JR.**

14  
15 **Pharmacy Technician License**

16 Applicant.

Case No. 7925

**STATEMENT OF ISSUES**

17  
18 **PARTIES**

19 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
21 Affairs.

22 2. On or about March 15, 2024, the Board received an application for a Pharmacy  
23 Technician License from Eric Kenneth Wright, Jr. (Respondent). On or about March 12, 2024,  
24 Eric Kenneth Wright, Jr. certified under penalty of perjury to the truthfulness of all statements,  
25 answers, and representations in the application. The Board denied the application on September  
26 16, 2024.

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28 ///

1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board under the authority of the  
3 following laws. All section references are to the Business and Professions Code (Code) unless  
4 otherwise indicated.

5 4. Section 118 of the Code states:

6 (a) The withdrawal of an application for a license after it has been filed with a  
7 board in the department shall not, unless the board has consented in writing to such  
8 withdrawal, deprive the board of its authority to institute or continue a proceeding  
9 against the applicant for the denial of the license upon any ground provided by law or  
10 to enter an order denying the license upon any such ground.

11 (b) The suspension, expiration, or forfeiture by operation of law of a license  
12 issued by a board in the department, or its suspension, forfeiture, or cancellation by  
13 order of the board or by order of a court of law, or its surrender without the written  
14 consent of the board, shall not, during any period in which it may be renewed,  
15 restored, reissued, or reinstated, deprive the board of its authority to institute or  
16 continue a disciplinary proceeding against the licensee upon any ground provided by  
17 law or to enter an order suspending or revoking the license or otherwise taking  
18 disciplinary action against the licensee on any such ground.

19 (c) As used in this section, "board" includes an individual who is authorized by  
20 any provision of this code to issue, suspend, or revoke a license, and "license"  
21 includes "certificate," "registration," and "permit."

22 5. Section 4300 of the Code states:

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

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

27 (1) Suspending judgment.

28 (2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

(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  
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  
terms or conditions not contrary to public policy, including, but not limited to, the  
following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

(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 probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(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 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 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

6. Section 4300.1 of the Code 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. Section 475 of the Code states:

(a) Notwithstanding any other provisions of this code, the provisions of this division shall govern the denial of licenses on the grounds of:

(1) Knowingly making a false statement of material fact, or knowingly omitting to state a material fact, in an application for a license.

(2) Conviction of a crime.

(3) Commission of any act involving dishonesty, fraud or deceit with the intent to substantially benefit himself or another, or substantially injure another.

(4) Commission of any act which, if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(b) Notwithstanding any other provisions of this code, the provisions of this division shall govern the suspension and revocation of licenses on grounds specified in paragraphs (1) and (2) of subdivision (a).

1 (c) A license shall not be denied, suspended, or revoked on the grounds of a  
2 lack of good moral character or any similar ground relating to an applicant's  
3 character, reputation, personality, or habits.

4 8. Code section 480 states in part:

5 (a) Notwithstanding any other provision of this code, a board may deny a  
6 license regulated by this code on the grounds that the applicant has been convicted  
7 of a crime or has been subject to formal discipline only if either of the following  
8 conditions are met:

9 (1) The applicant has been convicted of a crime within the preceding seven  
10 years from the date of application that is substantially related to the qualifications,  
11 functions, or duties of the business or profession for which the application is made,  
12 regardless of whether the applicant was incarcerated for that crime, or the applicant  
13 has been convicted of a crime that is substantially related to the qualifications,  
14 functions, or duties of the business or profession for which the application is made  
15 and for which the applicant is presently incarcerated or for which the applicant was  
16 released from incarceration within the preceding seven years from the date of  
17 application. However, the preceding seven-year limitation shall not apply in either  
18 of the following situations:

19 (A) The applicant was convicted of a serious felony, as defined in Section  
20 1192.7 of the Penal Code or a crime for which registration is required pursuant to  
21 paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

22 ...

23 (b) Notwithstanding any other provision of this code, a person shall not be  
24 denied a license on the basis that the person has been convicted of a crime, or on  
25 the basis of acts underlying a conviction for a crime, if that person has obtained a  
26 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01)  
27 of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a  
28 state or federal executive, or has made a showing of rehabilitation pursuant to  
Section 482.

(c) Notwithstanding any other provision of this code, a person shall not be  
denied a license on the basis of any conviction, or on the basis of the acts  
underlying the conviction, that has been dismissed pursuant to Section 1203.4,  
1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code, or a comparable  
dismissal or expungement. An applicant who has a conviction that has been  
dismissed pursuant to Section 1203.4, 1203.4a, 1203.41, or 1203.42 of the Penal  
Code shall provide proof of the dismissal if it is not reflected on the report  
furnished by the Department of Justice.

....

9. Code section 481 states in part:

(a) Each board under this code shall develop criteria to aid it, when  
considering the denial, suspension, or revocation of a license, to determine whether  
a crime is substantially related to the qualifications, functions, or duties of the

1 business or profession it regulates.

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

5 (1) The nature and gravity of the offense.

6 (2) The number of years elapsed since the date of the offense.

7 (3) The nature and duties of the profession in which the applicant seeks  
8 licensure or in which the licensee is licensed.

9 . . . .

10 10. Code section 482 states in part:

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

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

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

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

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

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

21 . . . .

22 11. Section 493 of the Code states, in pertinent part:

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

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

(A) The nature and gravity of the offense.

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

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type

of conviction without considering evidence of rehabilitation.

(c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

....

**REGULATORY PROVISIONS**

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the 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.

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**CAUSE FOR DENIAL**  
**(July 12, 2022, Conviction for DUI on October 10, 2021)**

13. Respondent's application is subject to denial under Code section 475, and Code section 480, subdivision (a)(1), in that Respondent was convicted of a crime that is substantially related to the qualifications, functions, or duties of a pharmacy technician as follows:

a. On July 12, 2022, in the criminal matter entitled *People of the State of California v. Eric Kenneth Wright, Jr.*, Los Angeles Superior Court Case Number 2BL00516, Respondent was charged with violating Vehicle Code section 23152, subdivision (a) (driving under the influence of an alcoholic beverage). On July 12, 2022, Respondent was convicted on his plea of nolo contendere to Count 1 and was sentenced to probation for a period of 36 months. Respondent was required to complete a six-month first offender DUI program, attend a Mother's Against Drunk Driving (MADD) Victim Impact Program, and pay fines, fees and restitution.

b. The circumstances that led to the conviction are that on October 10, 2021, at approximately 5:19 a.m., a California Highway Patrol officer on patrol responded to a vehicle blocking traffic. Upon arrival at the scene, the officer contacted Respondent who was passed out inside the vehicle with the engine still running. Respondent stepped out of the vehicle and was disoriented and confused. The officer observed Respondent to have objective symptoms of alcohol intoxication including slurred speech and the odor of alcoholic beverage emitting from his breath. Respondent admitted to consuming alcoholic beverages and was subsequently arrested. Respondent declined to submit to a preliminary alcohol screening test and chose to submit to a blood test, which was conducted at 6:32 a.m. and resulted in a blood alcohol content (BAC) of 0.20%.

**PRAYER**

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

1. Denying the application of Eric Kenneth Wright, Jr. for a Pharmacy Technician License; and

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

DATED: 12/1/2024

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

Digitally signed by  
Sodergren, Anne@DCA  
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