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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: Case No. 6968
13 **JACQUELENE ZENTYATCE PEREZ** **STATEMENT OF ISSUES**
14 **Pharmacy Technician License Applicant**
15 Respondent.

16
17 **PARTIES**

18 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
20 2. On or about June 21, 2019, the Board of Pharmacy, Department of Consumer Affairs
21 received an application for a Pharmacy Technician License from Jacqueline Zentyatce Perez
22 (Respondent). On or about June 19, 2019, Respondent certified under penalty of perjury to the
23 truthfulness of all statements, answers, and representations in the application. The Board denied
24 the application on March 11, 2020. On or about May 4, 2020, Respondent filed an appeal.

25 **JURISDICTION**

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

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

4 “(l) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. . . .”

6 **REGULATORY PROVISIONS**

7 7. California Code of Regulations, title 16, section 1769, states:

8 “...

9 “(b) When considering the denial of a facility or personal license under Section 480 of the
10 Business and Professions Code, the board, in evaluating the rehabilitation of the applicant and his
11 present eligibility for licensing or registration, will consider the following criteria:

12 “(1) The nature and severity of the act(s) or offense(s) under consideration as grounds for
13 denial.

14 “(2) Evidence of any act(s) committed subsequent to the act(s) or crime(s) under
15 consideration as grounds for denial under Section 480 of the Business and Professions Code.

16 “(3) The time that has elapsed since commission of the act(s) or crime(s) referred to in
17 subdivision (1) or (2).

18 “(4) Whether the applicant has complied with any terms of parole, probation, restitution or
19 any other sanctions lawfully imposed against the applicant.

20 “(5) Evidence, if any, of rehabilitation submitted by the applicant.”

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

22 "For the purpose of denial, suspension, or revocation of a personal or facility license
23 pursuant to Division 1.5 (commencing with Section 4) of the Business and Professions Code, a
24 crime or act shall be considered substantially related to the qualifications, functions or duties of a
25 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
26 licensee or registrant to perform the functions authorized by his license or registration in a manner
27 consistent with the public health, safety, or welfare."

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Conviction of Substantially Related Crime(s))**

3 9. Respondent has subjected her Pharmacy Technician Application to denial under Code
4 section 480, subdivisions (a)(1) and/or Code section 480, subdivision (a)(3)(A), by reference to
5 Code section 4301, subdivision (l), for conviction of substantially related crime(s), in that:

6 a. On or about March 6, 2015, in a criminal matter titled *The People of the State*
7 *of California v. Jacqueline Zentyatce Perez*, Contra Costa County Superior Court Case No. 02-
8 318251-6-001, Respondent pleaded no contest to, and was convicted of, driving with a blood
9 alcohol concentration ("BAC") of 0.08% or higher (Veh. Code, § 23152, subd. (b)), a
10 misdemeanor. Imposition of sentence was suspended and Respondent was placed on probation
11 for a period of three (3) years under terms and conditions to include paying a fine in the amount
12 of \$1,749, 10 days of Sheriff's Work Project, and a 6-month DUI program. Respondent's BAC
13 was measured at .15%.

14 b. On or about June 5, 2018, in a criminal matter in the State of Missouri, St.
15 Charles Municipal Court Case No. 151034472, Respondent pleaded guilty to charges of Driving
16 While Suspended and was convicted of Driving While Intoxicated in Accident. Respondent's
17 BAC was measured at .25%

18 **SECOND CAUSE FOR DENIAL OF APPLICATION**

19 **(Conviction of Alcohol-Related Offenses)**

20 10. Respondent has subjected her Pharmacy Technician Application to denial under Code
21 section 480, subdivision (a)(3)(A), by reference to Code section 4301, subdivision (k), in that, as
22 detailed in paragraph 9 above, Respondent has been convicted of more than one criminal offense
23 involving consumption of alcohol.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(Dangerous Use of Alcohol)**

26 11. Respondent has subjected her Pharmacy Technician Application to denial under Code
27 section 480, subdivision (a)(3)(A), by reference to Code section 4301, subdivision (h), in that, as
28 detailed in paragraph 9 above, Respondent has made dangerous use of alcohol. Also, on or about

1 April 16, 2016, Respondent was arrested or detained for driving while intoxicated in Missouri.
2 Charges are still pending in Maryland Heights Municipal Court Case No. 2016-05431.

3 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

4 **(Unprofessional Conduct)**

5 12. Respondent has subjected her Pharmacy Technician Application to denial under Code
6 section 4300, subdivisions (c), and/or Code section 480, subdivision (a)(3)(A), by reference to
7 Code section 4301, in that the conduct described above in paragraphs 9 to 11 constitutes
8 unprofessional conduct unbecoming of the profession of pharmacy.

9 **PRAYER**

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

- 12 1. Denying the application of Jacqueline Zentyatce Perez (Respondent) for a Pharmacy
13 Technician License;
- 14 2. Taking such other and further action as deemed necessary and proper.

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16 DATED: June 22, 2020 _____



17 ANNE SODERGREN
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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