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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 Statement of Issues
Against:

13 **CHEYENNE GAYLE ORONA**

14 **Pharmacy Technician Registration**
15 **Applicant**

16 Respondent.
17

Case No. 7303

STATEMENT OF ISSUES

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20 **PARTIES**

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

24 2. On or about May 24, 2021, the Board received an application for a Pharmacy
25 Technician Registration from Cheyenne Gayle Orona (Respondent). On or about April 28, 2021,
26 Cheyenne Gayle Orona certified under penalty of perjury to the truthfulness of all statements,
27 answers, and representations in the application. The Board denied the application on March 18,
28 2022.

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 unless otherwise
4 indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 states, in pertinent part:

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

11 (1) The applicant has been convicted of a crime within the preceding seven
12 years from the date of application that is substantially related to the qualifications,
13 functions, or duties of the business or profession for which the application is made,
14 regardless of whether the applicant was incarcerated for that crime, or the applicant
15 has been convicted of a crime that is substantially related to the qualifications,
16 functions, or duties of the business or profession for which the application is made
17 and for which the applicant is presently incarcerated or for which the applicant was
18 released from incarceration within the preceding seven years from the date of
19 application. . . .

20 5. Section 493 states, in pertinent part:

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

28 **REGULATORY PROVISIONS**

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

For the purpose of denial, suspension, or revocation of a personal or facility
license pursuant to Division 1.5 (commencing with Section 475) of the Business and
Professions Code, a crime or act shall be considered substantially related to the
qualifications, functions or duties of a licensee or registrant if to a substantial degree
it evidences present or potential unfitness of a licensee or registrant to perform the
functions authorized by his license or registration in a manner consistent with the
public health, safety, or welfare.

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1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(September 13, 2019, Conviction of a Substantially Related Crime,**
3 **Second Degree Burglary)**

4 7. Respondent's application is subject to denial under section 480, subdivision (a)(1), in
5 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was
6 convicted of a substantially related crime, as follows:

7 a. On or about September 13, 2019, Respondent was convicted of one misdemeanor
8 count of violating Penal Code section 459 [second degree burglary] in the criminal proceeding
9 entitled *The People of the State of California v. Cheyenne Gayle Orona* (Super. Ct. L.A. County,
10 2019, No. 9AN05527). The Court sentenced Respondent to eight days in jail, ordered her to
11 complete 10 days of community labor, placed her on 36 months of probation, and ordered her to
12 stay away from the victim location.

13 b. The circumstances underlying the conviction are that on or about May 3, 2019, after
14 being served with an eviction notice, a legal lockout order was issued and Sheriff Deputies
15 escorted and removed Respondent from her apartment. Respondent coordinated a May 10, 2019,
16 appointment with the property manager to retrieve her property from the apartment and attempted
17 to coordinate a moving truck. On or about May 16, 2019, the property manager inspected the
18 apartment, documenting the apartment's condition, and found the utilities off, no food on the
19 stove, and property remaining. Unbeknownst to the property manager, on that same evening, on
20 or about May 16, 2019, at approximately 2233 hours, video cameras documented Respondent and
21 another person re-entering her evicted premises without authorization using a key and both parties
22 leaving the next day, on or about May 17, 2019, at approximately 1505 hours, with Respondent
23 locking the front door. On or about May 20, 2019, the property manager conducted a final
24 inspection before a new tenant occupancy and noted that the air conditioner and lights were on in
25 the apartment with food in a pan on the stove, dirty dishes on the kitchen counter, and
26 Respondent's property had been moved. A theft of utilities incident report was filed with law
27 enforcement.

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1 **SECOND CAUSE FOR DENIAL OF APPLICATION**

2 **(September 23, 2019, Conviction of a Substantially Related Crime,**
3 **Drive or Take Vehicle Without Consent)**

4 8. Respondent's application is subject to denial under section 480, subdivision (a)(1), in
5 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was
6 convicted of a substantially related crime, as follows:

7 a. On or about September 23, 2019, Respondent was convicted of one misdemeanor
8 count of violating Vehicle Code section 10851(a) [drive or take vehicle without consent] in the
9 criminal proceeding entitled *The People of the State of California v. Cheyenne Gayle Orona*
10 (Super. Ct. L.A. County, 2019, No. 9SC00130). The Court sentenced Respondent to 48 days in
11 jail, ordered her to complete 90 days in a residential drug treatment program, placed her on three
12 years of probation, and ordered her to stay away from the victim. On or about December 18,
13 2019, after violating probation, the Court ordered Respondent to attend five Narcotic's
14 Anonymous Meetings until re-admitted in the 90 day residential program with her probation to
15 remain revoked. On or about August 10, 2020, after violating probation, the Court ordered
16 Respondent to continue attending sessions with child and family center. On or about
17 December 8, 2020, the Court revoked Respondent's probation and issued a \$50,000 arrest
18 warrant. On or about May 6, 2021, after Respondent provided proof of completion of the child
19 and family center program, the Court reinstated Respondent's probation, recalling and quashing
20 the warrant.

21 b. The circumstances underlying the conviction are that on or about September 2, 2019,
22 at approximately 2230 hours, Respondent was given permission to use another's vehicle (victim)
23 for a few minutes and return it. On or about September 3, 2019, at approximately 0020 hours, the
24 vehicle was not returned, and the victim attempted to call Respondent and sent Facebook
25 messages asking about the vehicle. At approximately 0500 hours, Respondent replied that she
26 was at a friend's house and she was going to get "GR" (General Relief). The victim continued to
27 call Respondent to return the vehicle, and at approximately 0630 hours, Respondent told the
28 victim that she was going to get general relief and not to worry about the vehicle. On or about

1 September 3, 2019, at approximately 1500 hours, the vehicle was not returned, and the victim
2 filed a report with law enforcement. On or about September, 9, 2019, law enforcement followed-
3 up and was informed by the victim that Respondent had told the victim that the vehicle would be
4 returned when Respondent felt like it and would not tell the victim where she was. On or about
5 September 10, 2019, Sheriffs' deputies arrested Respondent and recovered the vehicle.


6 **PRAYER**

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

- 9 1. Denying the application of Cheyenne Gayle Orona for a Pharmacy Technician
10 Registration; and
11 2. Taking such other and further action as deemed necessary and proper.

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13 DATED: 11/15/2022

Sodergren,
Anne@DCA

 Digitally signed by Sodergren,
Anne@DCA
Date: 2022.11.15 20:04:19 -08'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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