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

12 In the Matter of the Statement of Issues
13 Against:

Case No. 7511

14 **SANDY LUCIA SANTIAGO**

STATEMENT OF ISSUES

15 **Pharmacy Technician Registration**
16 **Applicant**

17 Respondent.

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19 **PARTIES**

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

23 2. On or about April 26, 2022, the Board an application for a Pharmacy Technician
24 Registration from Sandy Lucia Santiago (Respondent). On or about April 11, 2022, Respondent
25 certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on January 26, 2023.

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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 **STATUTORY PROVISIONS**

6 4. Section 480 of the Code 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 of the Code states:

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 (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."

(d) This section does not in any way modify or otherwise affect the existing

1 authority of the following entities in regard to licensure:

- 2 (1) The State Athletic Commission.
- 3 (2) The Bureau for Private Postsecondary Education.
- 4 (3) The California Horse Racing Board.

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

6 **REGULATORY PROVISIONS**

7 6. 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
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.

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

- 14 (1) The nature and gravity of the offense;
- 15 (2) The number of years elapsed since the date of the offense; and
- 16 (3) The nature and duties of the practice, profession, or occupation that may be
performed under the license type sought or held.

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

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

21 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
22 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
23 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

24 (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,
25 relating to government provided or government supported healthcare.

26 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
documents, or personal information.

27 (5) Involve a conviction for driving under the influence of drugs or alcohol.

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1 **CAUSE FOR DENIAL OF APPLICATION**

2 **(June 21, 2018 Criminal Conviction - Driving Vehicle While Under the Influence of Alcohol)**

3 7. Respondent’s application is subject to denial under Code section 480, subdivision
4 (a)(1), in conjunction with California Code of Regulations, title 16, section 1770, subdivision
5 (a)(5), in that Respondent was convicted of a crime substantially related to the qualifications,
6 functions, or duties of a registered pharmacy technician. Specifically, on or about June 21, 2018,
7 after her guilty plea, Respondent was convicted of one (1) misdemeanor count of violating
8 Vehicle Code section 23152, subdivision (b) (driving while having a 0.08% or more by weight of
9 alcohol in her blood) in the criminal proceeding titled: *The People of the State of California v.*
10 *Sandy Lucia Santiago* (Super. Ct. San Diego County, 2018, No. M246930). The court placed her
11 on five (5) years of probation with terms and conditions.

12 8. The circumstances that led to the conviction were that on or about April 7, 2018,
13 officers observed Respondent passed out in the driver’s seat of her vehicle with the engine on and
14 the transmission in the parked position. Upon contact, officers observed Respondent displaying
15 objective symptoms of alcohol intoxication. At approximately 2:43 a.m., Respondent submitted to
16 a preliminary alcohol screening (PAS) test which resulted in a blood alcohol content (BAC) of
17 0.167%. She provided a second PAS test sample at approximately 2:50 a.m. which resulted in a
18 BAC of 0.182%. Respondent also provided two chemical breath test samples, resulting in 0.163
19 % BAC at approximately 3:21 a.m. and 0.161% BAC at approximately 3:25 a.m.

20 **PRAYER**

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

23 1. Denying the application of Sandy Lucia Santiago for a Pharmacy Technician
24 Registration;

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

DATED: 4/26/2023

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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