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

13 In the Matter of the Statement of Issues  
Against:  
14 **DESTINY MONIQUE DELGADO**  
15 **Pharmacy Technician License Applicant**  
16 Respondent.

Case Number 7897

**STATEMENT OF ISSUES**

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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 January 5, 2024, the Board received an application for a Pharmacy Technician  
24 License from Destiny Monique Delgado (Respondent). On December 12, 2023, 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 May 9, 2024.

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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 Code section references are to the Business and Professions Code unless  
4 otherwise indicated. All CCR section references are to the California Code of Regulations, title  
5 16, unless otherwise indicated.

6 4. Code section 4011 authorizes the Board to enforce the Pharmacy Law.

7 5. Code section 4300, subdivision (c), authorizes the Board to “refuse a license to any  
8 applicant guilty of unprofessional conduct.”

9 **STATUTORY PROVISIONS**

10 6. Code section 480, subdivision (a)(1), states:

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

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

24 7. Code section 493, subdivision (a), states:

25 Notwithstanding any other law, in a proceeding conducted by a board within  
26 the department pursuant to law to deny an application for a license or to suspend or  
27 revoke a license or otherwise take disciplinary action against a person who holds a  
28 license, upon the ground that the applicant or the licensee has been convicted of a  
crime substantially related to the qualifications, functions, and duties of the licensee  
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.

29 7. Code section 4301, subdivision (f), provides that the “commission of any act  
involving moral turpitude” constitutes unprofessional conduct.

30 8. Code section 4301, subdivision (l), provides that the “conviction of a crime  
substantially related to the qualifications, functions, and duties of a licensee” constitutes  
unprofessional conduct.

1 **REGULATORY PROVISIONS**

2 9. CCR section 1770, subdivision (a), provides that a crime, professional misconduct, or  
3 act is substantially related to the qualifications, functions, or duties of a licensee “if to a  
4 substantial degree it evidences present or potential unfitness of an applicant or licensee to perform  
5 the functions authorized by the license in a manner consistent with the public health, safety, or  
6 welfare.”

7 10. CCR section 1770, subdivision (b), provides that in making the substantial  
8 relationship determination, the board will consider the nature and gravity of the offense, the  
9 number of years elapsed since the date of the offense, and the nature and duties performed under  
10 the license type sought.

11 **FIRST CAUSE FOR DENIAL OF APPLICATION**

12 **(May 2022 Battery Conviction)**

13 11. Respondent's pharmacy technician application is subject to denial under Code section  
14 480(a)(1), in conjunction with California Code of Regulations, title 16, section 1770(a), in that  
15 Respondent was convicted of a crime substantially related to the qualifications, functions, and  
16 duties of a pharmacy technician. On May 10, 2022, in a criminal proceeding entitled, *The People*  
17 *of the State of California v. Destiny Monique Delgado*, Riverside County Superior Court Case  
18 Number RIM2111720, Respondent pled guilty to and was convicted of misdemeanor battery in  
19 violation of Penal Code section 242. The conviction arose out of a September 2021 incident in  
20 which Respondent entered the victim’s residence, grabbed the victim by the hair, and struck the  
21 victim several times with her knee and her fist.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 **(Unprofessional Conduct - Commission of Act Involving Moral Turpitude)**

24 12. Respondent’s pharmacy technician application is subject to denial under Code section  
25 4300, subdivision (c), and Code section 4301, subdivision (f), in that she committed acts  
26 involving moral turpitude as described in the First Cause of Denial of Application above.

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**THIRD CAUSE FOR DENIAL OF APPLICATION**

**(Unprofessional Conduct-Substantially Related Conviction)**

14. Respondent’s pharmacy technician application is subject to denial under Code section 4300, subdivision (c), and Code section 4301, subdivision (l), in that she was convicted of a crime that substantially relates to the qualifications, functions, and duties of a licensee as described in the First Cause of Denial of Application above.

**PRAYER**

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

- 1. Denying the application of Destiny Monique Delgado for a Pharmacy Technician License; and
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 9/24/2024

**Sodergren,**  
**Anne@DCA**  
 Digitally signed by  
 Sodergren, Anne@DCA  
 Date: 2024.09.24 18:50:59  
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ANNE SODERGREN  
 Executive Officer  
 Board of Pharmacy  
 Department of Consumer Affairs  
 State of California  
*Complainant*

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