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

11 In the Matter of the Statement of Issues  
Against:

Case No. 7933

12 **SANTOS GARCIA MEHRARA**

**STATEMENT OF ISSUES**

13 **Pharmacy Technician License Applicant,**

14 Respondent.

15  
16 **PARTIES**

17 1. Anne Sodergren (Complainant) brings this statement of issues solely in her official  
18 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer  
19 Affairs.

20 2. On March 21, 2024, the Board received an application for a pharmacy technician  
21 license from Santos Garcia Mehrara (Respondent). On March 19, 2024, Respondent certified  
22 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
23 application. The Board denied the application on September 19, 2024.

24 **JURISDICTION**

25 3. This statement of issues is brought before the board under the authority of the  
26 following laws. All section references are to the Business and Professions Code unless otherwise  
27 indicated.

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4. Section 4011 states,

“The board shall administer and enforce this chapter and the Uniform Controlled Substances Act (Division 10 (commencing with Section 11000) of the Health and Safety Code).”

**STATUTORY AND REGULATORY AUTHORITY**

5. Section 480 states in part,

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

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

“(A) The applicant was convicted of a serious felony, as defined in Section 1192.7 of the Penal Code . . . .”

6. Section 4300, subdivision (c), states in part,

“The board may refuse a license to any applicant guilty of unprofessional conduct. . . .”

7. Section 4301 states in part,

“Unprofessional conduct shall include, but is not limited to, any of the following:

...

“(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. . . . [T]he record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline

1 or, in the case of a conviction not involving controlled substances or dangerous drugs, to  
2 determine if the conviction is of an offense substantially related to the qualifications, functions,  
3 and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a  
4 plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The  
5 board may take action when the time for appeal has elapsed, or the judgment of conviction has  
6 been affirmed on appeal or when an order granting probation is made suspending the imposition  
7 of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing  
8 the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
9 the verdict of guilty, or dismissing the accusation, information, or indictment.”

10 8. Penal Code section 1192.4, subdivision (c), states in part,

11 “As used in this section, ‘serious felony’ means any of the following:

12 . . . (8) any felony in which the defendant personally inflicts great bodily injury on any  
13 person, other than an accomplice . . . (27) carjacking . . . .

14 9. California Code of Regulations, title 16, section 1770, states,

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

21 **CAUSES FOR DENIAL OF APPLICATION**

22 **FIRST CAUSE FOR DENIAL**

23 **Conviction for Carjacking**

24 10. Respondent’s application is subject to denial under section 480, subdivision (a)(1),  
25 for being convicted of a crime substantially related to the qualifications, functions, and duties of a  
26 licensee. On February 3, 2005, in *People v. Santos Garcia Mehrara*, San Francisco County  
27 Superior Court Case No. SC192812, Respondent was convicted after trial of carjacking (Pen.  
28 Code, § 215), a felony, with an enhancement that Respondent inflicted great bodily injury on a

1 person during the commission of the offense (Pen. Code, § 1192.7, subd. (c)(8)). Respondent was  
2 sentenced to eight years' prison.

3 **SECOND CAUSE FOR DENIAL**

4 **Unprofessional Conduct: Conviction for Carjacking**

5 11. Respondent's application is subject to denial under sections 4300, subdivision (c),  
6 and 4301, subdivision (l), for the unprofessional conduct of being convicted of a crime  
7 substantially related to the qualifications, functions, and duties of a licensee. The facts are set  
8 forth in paragraph 10 above.

9 **THIRD CAUSE FOR DENIAL**

10 **Conviction for Violating a Protective Order**

11 12. Respondent's application is subject to denial under section 480, subdivision (a)(1),  
12 for being convicted of a crime substantially related to the qualifications, functions, and duties of a  
13 licensee. On December 20, 2018, in *People v. Santos Meharar*, San Francisco County Superior  
14 Court Case No. MC18018495, Respondent pled no contest to violating a protective order (Pen.  
15 Code, § 273.6, subd. (a)), a misdemeanor. Respondent was sentenced to 25 days' incarceration.

16 **FOURTH CAUSE FOR DENIAL**

17 **Unprofessional Conduct: Conviction for Violating a Protective Order**

18 13. Respondent's application is subject to denial under sections 4300, subdivision (c),  
19 and 4301, subdivision (l), for the unprofessional conduct of being convicted of a crime  
20 substantially related to the qualifications, functions, and duties of a licensee. The facts are set  
21 forth in paragraph 12 above.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this statement of issues and that following the hearing the Board issues a decision:

1. Denying Respondent’s application for a pharmacy technician license and
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*

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