

**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

**In the Matter of the Statement of Issues Against:**

**ALONA JANE IGLESIAS, also known as SARA JANE ARONEK  
Respondent**

**Pharmacist License Applicant**

**Agency Case No. 7072**

**OAH No. 2021030505**

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on November 17, 2021.

It is so ORDERED on October 18, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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**Case No. 7072**

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**PROPOSED DECISION**

Thomas Lucero, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter by telephone and videoconference on July 29, 2021. Mario Cuahutle, Deputy Attorney General, represented complainant, Anne Sodergren, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, State of California, Alona Jane Iglesias, also known as Sara Jane Aronek, respondent, represented herself.

Documents and testimony were received in evidence. The record was left open until August 5, 2021, for respondent to file documents, and until August 12, 2021, for complainant's response or objections. On August 4, 2021, respondent timely filed a document, marked Exhibit A, showing respondent's participation in the externship program at United Education Institute (UEI) College. There was no objection

and Exhibit A was admitted into evidence. The record closed and the matter was submitted for decision on August 12, 2021.

## **STATEMENT OF THE CASE**

Respondent sought a hearing after her application to be licensed as a pharmacy technician was denied in November 2020. The Board based the denial on respondent's criminal convictions, the last two in 2017. The convictions are alleged to be substantially related to the qualifications, functions, or duties of a pharmacy technician, and evidence of respondent's unfitness for licensure. Respondent maintains that she has changed, understands and respects employment obligations, including those relating to pharmacy, and will not again engage in misconduct like that in her past.

## **ISSUE**

Whether respondent's convictions disqualify her from being considered safe in handling drugs and other pharmaceutical supplies, dealing with consumers who are ill or otherwise stressed, and handling sensitive and confidential information available to pharmacy employees, or whether respondent presented sufficient evidence of rehabilitation and good character to be granted a license.

## **SUMMARY OF DECISION**

Respondent's evidence of rehabilitation was not ample, but given her work experience, the substantial time that has passed since her last conviction without

any new offence, and other criteria used by the Board in evaluating rehabilitation, there was sufficient evidence that issuing a restricted license is appropriate.

## **FINDINGS OF FACT**

1. On November 19, 2020, the Board received respondent's timely appeal of its November 6, 2020 notice, Exhibit 10, that it was denying respondent's application to be licensed as a pharmacy technician.

2. On April 29, 2020, the Board received respondent's application for a Pharmacy Technician Registration (license). The Board denied the application on November 6, 2020. Respondent has not been licensed by the Board, as set out in a Certificate of Nonlicensure, Exhibit 2.

## **Convictions**

3. On November 12, 2013, as set out in Exhibit 8, in County of Los Angeles Superior Court (LASC) case number 3BV02060:

- A. Respondent was convicted, on a plea of guilty, of violating Penal Code section 647, subdivision (f) (public intoxication), a misdemeanor.
- B. The court suspended imposition of sentence and placed respondent on summary probation for 12 months on terms and conditions, including that respondent: (i) pay fees and assessments totaling \$210; and (ii) attend one Alcoholics Anonymous (AA) meeting per week for a total of 30 meetings.

- C. On August 12, 2014, the court found that respondent had failed to attend AA meetings and issued a bench warrant.
  - D. On August 22, 2014, respondent, in custody, stipulated she had violated probation. The court revoked and reinstated probation with the modification that respondent serve four days in jail, with credit for two days actually served and two for good or work time. The court deleted the requirement that respondent attend AA meetings.
  - E. On August 31, 2015, the court found that respondent failed to pay fees as ordered, added a civil assessment of \$300, sent the matter to collections, and terminated the proceedings.
4. On April 22, 2015, as set out in Exhibit 6, in LASC case number 4WA24946:
- A. Respondent was convicted, on a plea of nolo contendere, of violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content (BAC) of 0.08 percent or higher), a misdemeanor.
  - B. The court suspended imposition of judgment and placed respondent on summary probation for 36 months on terms and conditions, including that respondent: (i) pay a fine of \$390 or serve 13 days in jail, with credit for eight days; (ii) pay fines and assessments totaling \$1,067; (iii) complete an AB-541 first offender alcohol and other drug education and counseling program; and (iv) not drive with any measurable BAC.
  - C. On October 27, 2015, the court revoked probation and issued a bench warrant.

- D. On December 1, 2015, respondent was arrested and issued instructions to appear on January 26, 2016, for a bench warrant hearing. On January 26, 2016, respondent failed to appear, and a second bench warrant was issued.
- E. On August 15, 2016, respondent was again arrested and instructed to appear on September 6, 2016, for a bench warrant hearing. Respondent again failed to appear as instructed and a third bench warrant was issued.
- F. At the November 30, 2016 bench warrant hearing, the court reinstated respondent's probation on the same terms and conditions, except that respondent was ordered to serve 12 days in jail, with credit for time served.
- G. On April 25, 2017, the court granted respondent's request to re-enroll in the AB-541 program.
- H. On May 25, 2017, the court revoked probation based on LASC case number 7VW02721, described below, Finding of Fact 6, and respondent was remanded to custody.
- I. On June 21, 2017, the court reinstated probation on the same terms and conditions and issued an order for respondent's release.
- J. On February 22, 2018, respondent submitted proof of completion of the AB-541 program.
- K. On January 30, 2019, the court revoked probation and issued a bench warrant for failure to appear.

L. On April 12, 2019, the court noted that all fines and fees had been paid in full and terminated probation.

5. The circumstances underlying the April 22, 2014 conviction are that respondent drove after drinking alcoholic beverages. As set out in a September 14, 2014 Santa Monica Police Department Driving Under the Influence Arrest Report, Exhibit 5, respondent admitted to having drunk two beers. She was arrested after failing field sobriety tests. A breath test measured her BAC at 0.11 percent.

6. On June 21, 2017, as set out in Exhibit 7, in LASC case number 7VW02721:

A. Respondent was convicted, on pleas of nolo contendere, on two misdemeanor counts under the Penal Code, the first for violating section 242 (battery), the second for violating section 602.1, subdivision (a) (interfering with or obstructing a business after a request to leave).

B. Regarding the first count, the court suspended imposition of sentence and placed respondent on summary probation for 36 months on terms and conditions, including that respondent: (i) serve 90 days in jail with credit for 60 days, 30 days in actual custody and 30 days good or work time; and (ii) pay fees and assessments totaling \$220.

C. Regarding the second count, the court suspended imposition of sentence and placed respondent on summary probation for 36 months on terms and conditions, including that respondent: (i) pay fines and assessments totaling \$220; (ii) not own or possess dangerous or deadly weapons and surrender the weapon involved in the case for destruction; (iii) not to threaten or use force or violence against others; and (iv) obey a protective order not to harass or annoy two named witnesses in the

case or any witnesses and stay 150 feet away from the two named witnesses and from the North Hollywood location of the incident.

D. On December 12, 2017, the court found that respondent had failed to pay fees as ordered and sent the matter to civil collections.

E. On December 12, 2018, the court found that, as before, respondent had failed to pay fees as ordered, added a civil assessment of \$300 under Penal Code section 1214.1, and terminated the proceedings.

7. The circumstances underlying the 2017 conviction were not in evidence. No police report of the incident was presented and counsel for complainant did not cross-examine respondent. In her testimony, respondent did not discuss the underlying circumstances, whereas she did describe her 2014 arrest and its circumstances. The statement of issues alleges in paragraph 9.c, page 4, lines 26 to 28, that, as she sat in a victim's bedroom, respondent expressed a desire to kill the victim. The allegation matches an assertion in the August 19, 2020 Investigation Report, Exhibit 3, but the report was not authenticated, it contains hearsay, and is given little weight.

## **Application**

8. The Board received respondent's Pharmacy Technician Application (Application), Exhibit 4, on April 29, 2020.

A. Respondent answered yes to question 8 of the Application asking if she had been convicted of any crimes. Regarding question 8, the application form continues:



Include any felony or misdemeanor offense, and any infraction involving drugs or alcohol with a fine of \$500 or more. You must disclose a conviction even if it was . . . later dismissed or expunged. . . . Failure to answer truthfully and completely may result in the denial of your application.

[¶] . . . [¶]

**Failure to disclose a disciplinary action or conviction may result in the license being denied or revoked for falsifying this application. Attach additional sheets if necessary.**

Below the warning in bold just quoted, respondent disclosed none of the three convictions described above, but rather a conviction in LASC case number 5A060149. She noted an arrest date of June 6, 2006. The application form continues with an Application Affidavit, which starts with another warning in bold:

**You must provide a written explanation for all affirmative answers. Failure to do so will result in this application being deemed incomplete. Falsification of the information on this application may constitute ground for denial or revocation of the license.**

**All items of information requested in this application are mandatory.** Failure to provide any of the requested information may result in the application being rejected as incomplete.

Respondent signed the affidavit, dating it April 1, 2020, which states:

I, Alona Iglesias, hereby attest to the fact that I am the applicant whose signature appears below. I hereby certify under penalty of perjury under the laws of the State of California to the truth and accuracy of all statements, answers and representations made in this application, including all supplementary statements. I understand that my application may be denied, or any license disciplined, for fraud or misrepresentation.

B. Respondent's Application did not provide information about LASC case number 5A060149 other than as set out above and she did not mention or provide information on any other conviction.

C. Respondent attached to the Application:

- i. An Affidavit of Completed Coursework or Graduation for Pharmacy Technician, which indicated that on September 18, 2019, from UEI College in Encino, California, respondent had completed the 240 hours of instruction as specified in California Code of Regulations, title 16, section 1793.6, subdivision (c);
- ii. A copy of respondent's Diploma from UEI College;
- iii. A transcript from respondent's high school in Redondo Beach, California;
- iv. A report processed on April 6, 2020 by NPDB, the National Practitioner Data Base, showing no reports, such as State Licensure Actions; and
- v. A completed October 25, 2019 Request for Live Scan Service.

## **Expert Testimony**

9. The Board has employed Trang Song for approximately seven years. Among other duties, Ms. Song, a licensed pharmacist, monitors licensees' probation, inspects pharmacies, and writes report for the Board's review. She worked as a pharmacist for several years before her current employment, including acting as pharmacy director at a large state hospital. To prepare for the hearing, Ms. Song reviewed the exhibits admitted into evidence in this matter.

10. As Ms. Song testified, a pharmacy technician works under the direct supervision of a pharmacist, but the technician's duties may depend on the setting. Especially in a retail setting, the pharmacy technician acts as the pharmacist's right hand as it were, obtaining information, for instance, placing orders for medicine to be part of the pharmacy's stock, and pulling medications from the shelves as necessary. At a hospital pharmacy, the technician may be called upon to compound medication. In all settings, however, pharmacy technicians have access to patients' confidential information as well as to dangerous drugs and controlled substances.

11. As Ms. Song further stated, in any given work setting pharmacists are often called away to attend to different tasks, such as consultations with prescribers or patients regarding drug interactions and effects and must be able in the meantime to rely and trust the pharmacy technician to ensure that medications are properly and safely dispensed. It is in consequence of great concern to a pharmacist whether the technician may be intoxicated or impaired, such as by excessive consumption of alcohol.

12. Ms. Song considers respondent's 2014 conviction evidence of her acting in a way that, were she licensed, would be considered unprofessional. Intoxication or

overindulgence in alcohol is a matter of public concern affecting whether a person is able to function as a pharmacy technician. So also Ms. Song opined that respondent's battery and trespass convictions must be considered evidence of a lack of professionalism. As Ms. Song explained, the pharmacy technician may be considered the face of a hospital or pharmacy. The technician is likely to deal with the ill and persons under stress and must show patience and understanding. They must avoid escalation of negative emotions. The conduct that led to respondent's convictions raises "a big red flag," raising doubt whether she could handle stress, her own and others', and help those suffering from stress and illness.

### **Respondent's Evidence**

13. Respondent is 43 years old and has three children. She holds a certificate from the Massage Therapy Council and has worked as a massage therapist in Studio City, California, for several years. She has worked as a jet flight attendant. Respondent also stated that she has experience as a government employee, having worked when she was approximately 18 years old in data entry for the United States Air Force.

14. Respondent has a manner not typical of persons who are striving to convince others in an administrative matter. She seemed to have trouble articulating her position. But it was clear that she was attempting honestly to portray herself as a person who is and wishes to be perceived as reliable and trustworthy. On the whole, she was forthcoming and her testimony was credible.

15. Exhibit A shows that respondent participated in UEI College's externship program.

A. As an extern, respondent worked full time at a Walgreen's pharmacy in Van Nuys, California, from February 27 to March 19, 2021.

B. Respondent's supervisor at the pharmacy completed an evaluation form, reporting that respondent met 30 of 30 expectations under three categories: (i) Professionalism, such as customer and patient care and rapport with staff; (ii) Skills, such as processing prescriptions and preparing medications; and (iii) Knowledge, such as completing and processing insurance claims and basic knowledge of pharmacy law and HIPAA (Health Insurance Portability and Accountability Act of 1996).

C. Respondent's supervisor stated on the evaluation form that respondent had not been offered a job, with the explanation that the pharmacy was not then hiring.

16. Respondent believes that the Walgreen's pharmacist with whom she worked in the externship program would commend her and her work, as she was punctual, reliable, and otherwise worked in a professional manner. Respondent testified to her belief that her knowing the qualifications for a pharmacy technician and her following professional standards or guidelines ensures that she will perform well if licensed. She stressed that she would never work while under the influence of any substance because she knows that a technician would only be able to perform duties competently if free from substance abuse.

17. Respondent also described the objective evidence of her good performance during her externship. She was always on time for work, uniformed and ready to work when she reported in.

## **PRINCIPLES OF LAW**

1. As the Board presented a prima facie case based on respondent's convictions, the burden of proof shifted to respondent. Under Evidence Code sections

115 and 500, respondent must demonstrate by a preponderance of the evidence her rehabilitation and good character in order to overcome doubt whether her licensure would risk the public's safety or tend toward disrepute of the profession.

2. Business and Professions Code section 480, subdivision (a)(1), provides that the Board may deny a license if respondent "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 a pharmacy technician.

3. Subdivision (a) of section 493 of the Business and Professions Code provides that the record of a conviction is conclusive evidence of the fact of the conviction, but only that fact. Subdivision (b)(1) of the section sets out the following criteria to determine whether a crime is substantially related to a licensee's qualifications, functions or duties:

(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.

Subdivision (b)(2) of section 493 states that the Board "shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation."

4. Business and Professions Code section 4300, subdivision (c), states:

The Board may refuse a license to any applicant guilty of unprofessional conduct. The Board may, in its sole

discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The Board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a Board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

5. Business and Professions Code section 4301 provides in part:

The Board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct includes, but is not limited to, any of the following:

[¶] . . . [¶]

(j) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the 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 or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter.

6. All regulations cited in this matter are sections of title 16 of the California Code of Regulations. Regulation 1770, subdivision (a), provides that:

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.

7. Regulation 1769, subdivision (b), lists criteria of rehabilitation:



(1) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code on the grounds that the applicant has been convicted of a crime, the Board will consider whether the applicant made a showing of rehabilitation if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the Board will consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, or the Board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph

(1) or the denial is based on professional misconduct, the Board will apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

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

(E) The criteria in paragraphs (1)(A) through (E), as applicable.

(F) Evidence, if any, of rehabilitation submitted by the applicant, including as provided in the Board's Disciplinary Guidelines, identified in section 1760.

## **ANALYSIS**

1. There is cause to deny respondent's application under Business and Professions Code section 480, subdivision (a)(1). Within the seven years preceding her application, respondent was convicted of crimes that are substantially related to the qualifications, functions, or duties of a pharmacy technician.

2. As Ms. Song testified, a pharmacy technician must act at times without the direct supervision of a pharmacist who may be unavailable while performing the pharmacist's own duties. The technician must be able to deal independently with the stresses faced by customers who are ill or otherwise in need of medicines. Respondent's misconduct arose from intoxication and confrontation, which bode ill for her ability to stay calm, with skill and judgment unaffected by stress, and otherwise to maintain an even, unwavering, and professional manner. Respondent's misconduct, under California Code of Regulations, title 16, section 1770, subdivision (a), is substantially related to the functions, qualifications, or duties of a pharmacy technician in that it evidences to a substantial degree potential unfitness to perform the functions of a pharmacy technician in a manner consistent with the public health, safety, or welfare.

3. The conclusion that respondent's crimes are substantially related to professional duties is not a conclusion that before her application respondent acted in an unprofessional manner within the meaning of Business and Professions Code section 4301.

A. Professionalism and its lack vary depending on circumstances, including the status of the person whose activity is being scrutinized. To diminish dexterity or neglect eyesight may be unprofessional of a surgeon, whose hands must

perform tasks both delicate and difficult to see. The same is not true for a lawyer, who may have no need of similar skills for any activity relating to the law.

B. A pharmacist who abuses alcohol is likely acting unprofessionally, in a manner making the pharmacist subject to discipline under Business and Professions Code section 4301. But an applicant like respondent, who abused alcohol before applying to become a pharmacy technician, must be considered in a different, more tolerant, way. There was no direct impact on any professional duties when respondent's misconduct occurred. It is not clear that a standard of professionalism under Business and Professions Code section 4301, and departure from such a standard, is properly applied not to the licensees with whom Business and Professions Code section 4301 is concerned, but to those, respondent among them, aspiring to a license years after their misconduct occurred.

C. Not uncommonly an applicant for a professional license with a record of crimes substantially related to the qualifications, functions, or duties of the profession explains that their past crimes are to some extent the product of youthful indiscretions or an underdeveloped sensibility, a want of judgment. A want of judgment in a youth, or in a person not, or not yet, aspiring to professionalism, is not the same as unprofessional conduct by a licensee.

D. A want of judgment can be remedied, moreover, at least to some extent, by the very decision to apply for a professional license, given that the decision entails observing many rules that restrict the applicant on the way to licensure. Respondent found it difficult to articulate such an explanation of her own misconduct and its circumstances, but such an explanation sheds some light on her evidence. Respondent sought to present herself as one, as the saying goes, who has learned her lesson, and is unlikely to act improperly again.

E. In the end, complainant's evidence did not establish that unprofessional conduct is a barrier to respondent's licensure. Respondent's countervailing evidence, though not strong, was sufficient to show that Business and Professions Code section 4301 does not apply to her.

## **Rehabilitation and Related Considerations**

4. Though cause exists to deny respondent's application, evidence of her rehabilitation is evaluated under Regulation 1769 as it relates to Business and Professions Code section 493, subdivision (b)(2), to determine whether it would be safe and in the public interest to grant her a license, restricted or unrestricted.

5. Subdivision (b)(1) of Regulation 1769 states that rehabilitation evidence is considered under certain criteria if there was no violation of parole or probation. Respondent violated probation terms at times, including after her 2017 conviction. Her rehabilitation evidence must therefore be considered under the criteria set out in subdivision (b)(2) of Regulation 1769.

6. Under subdivision (b)(2)(A) of Regulation 1769, the gravity of the misconduct is the first of the applicable criteria. The more serious the misconduct, the stronger the applicant's showing of rehabilitation must be. (*In re Gossage* (2000) 23 Cal.4th 1080, 1098.) To the extent a crime caused no very serious disruption to individuals or society in general, the burden of showing rehabilitation is correspondingly lighter. Every crime is serious in some measure as a violation of law deserving a sentence to punish the offender. But it is notable here that each instance of respondent's misconduct received a relatively light sentence. This includes the misconduct that led to her 2017 conviction. The evidence did not establish that anyone was seriously victimized by respondent's misconduct.

7. Under subdivision (b)(2)(B) of Regulation 1769, there is no evidence of any acts, professional misconduct, or crimes later than the misconduct that the Board had under consideration as grounds for denying respondent's application. This part of the criteria favors a finding of respondent's rehabilitation.

8. Under subdivision (b)(2)(C) of Regulation 1769, substantial time has elapsed since respondent's last misconduct, over four years. This is another part of the criteria that favors a finding of rehabilitation.

9. Under subdivision (b)(2)(D) of Regulation 1769, respondent is no longer on probation, so that, again, she may be considered on the right path to rehabilitation.

10. Under subdivision (b)(2)(E) of Regulation 1769, the criteria of subdivision (b)(1) of Regulation 1769 may be pertinent. In this case, however, they add little.

11. Under subdivision (b)(2)(F) of Regulation 1769, the Board may consider other evidence of rehabilitation, including as provided in the Board's Disciplinary Guidelines, presented in this case as Exhibit 9.

12. At least as important as a list of criteria is a changed attitude. As rehabilitation is a state of mind, the law looks with favor on one who has achieved reformation and regeneration. (*Hightower v. State Bar* (1983) 34 Cal.3d 150, 157) and may reward them with the opportunity to serve. Respondent's evidence that she has changed, that she learned her lesson, was believable. This observation is based in part on respondent's demeanor during the hearing.

13. Notwithstanding that respondent's testimony and presentation were in some respects awkward and limited, the manner of her testimony and presentation are

not impediments to a finding that she has been substantially successful at rehabilitation and should be awarded a restricted license.

## **CONCLUSIONS OF LAW**

Respondent's convictions, most recently in 2017, do not disqualify her from registration as a pharmacy technician. Respondent presented evidence that she will safely handle drugs and other pharmaceutical supplies, is able to interact well with consumers who are ill or otherwise stressed, and able as well to handle sensitive and confidential information available to pharmacy employees appropriately. Respondent's evidence of rehabilitation and good character were sufficient to grant her a restricted license.

## **ORDER**

Upon satisfaction of all statutory and regulatory requirements for issuance of a pharmacy technician license, a pharmacy technician license shall be issued to respondent, Alona Jane Iglesias, also known as Sara Jane Aronek, and immediately revoked; the order of revocation is stayed, and respondent is placed on probation for three years upon the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law (that is, Business and Professions Code sections 4000 through 4427.8), state and federal food and drug laws, or state and federal controlled substances laws.
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

## 2. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.



Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

### 3. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee during the period of probation, shall be considered a violation of probation.

### 4. Cooperate with Board Staff

Respondent shall timely cooperate with the Board's inspection program and with the Board's monitoring and investigation of respondent's compliance with the terms and conditions of respondent's probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

### 5. Reporting of Employment and Notice to Employers

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within 30 days of the effective date of this decision, and within 10 days of undertaking any new employment, respondent shall report to the Board in writing the name, physical address, and mailing address of each employer of respondent, and the names and telephone numbers of all of respondent's direct supervisors, as well as any pharmacists-in-charge, designated representatives-in-charge, responsible manager, or other compliance supervisors and the work schedule, if known. Respondent shall also include the reason(s) for leaving the prior employment. Respondent shall sign and return to the Board a written consent authorizing the Board or its designee to communicate with all of respondent's employers and supervisors, and authorizing those employers or supervisors to communicate with the Board or its designee, concerning respondent's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking any new employment, respondent shall cause (a) respondent's direct supervisor, (b) respondent's pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of respondent's employer, to report to the Board in writing acknowledging that each of the listed individuals has read the decision in case number 7072, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these acknowledgment(s) are

timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within 15 days of the change acknowledging that he or she has read the decision in case number 7072, and the terms and conditions imposed thereby.

If respondent works for or is employed by or through an employment service, respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of the decision in case number 7072, and the terms and conditions imposed thereby in advance of respondent commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within 30 days of the effective date of this decision, and within 15 days of respondent undertaking any new employment by or through an employment service, respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the Board in writing acknowledging that he or she has read the decision in case number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

Failure to timely notify present or prospective employers or failure to cause the identified persons with any employers to submit timely written acknowledgments to the Board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacy technician, or any position for which a pharmacy technician license is a

requirement or criterion for employment, whether the respondent is an employee, independent contractor or volunteer.

#### 6. Notification of Any Name, Address, or Telephone Number Changes

Respondent shall further notify the Board in writing within 10 days of any change in name, residence address, mailing address, e-mail address or phone number. Failure to timely notify the Board of any change in employer, name, address, or phone number shall be considered a violation of probation.

#### 7. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such costs by any deadlines as directed shall be considered a violation of probation.

#### 8. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician license with the Board, including any period during which suspension or probation is tolled. Failure to maintain an active, current pharmacy technician license shall be considered a violation of probation. If respondent's pharmacy technician license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

#### 9. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may relinquish respondent's license, including any indicia of licensure issued by the Board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the Board.

Upon acceptance of the surrender, respondent shall relinquish respondent's pocket and/or wall license, including any indicia of licensure not previously provided to the Board within 10 days of notification by the Board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the Board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

#### 10. Certification Prior to Resuming Work

Respondent shall be suspended, and shall not work as a pharmacy technician, until respondent has been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has submitted proof of certification to the Board, and has been notified by the Board or its designee that respondent may begin work. Failure to achieve certification within six months of the effective date shall be considered a violation of probation.

During suspension, respondent shall not enter any pharmacy area or any portion of any other Board licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the Board. Respondent shall not have access to or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or dangerous devices or controlled substances. During this suspension, respondent shall not engage in any activity that requires licensure as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or dangerous devices, or controlled substances.

Failure to comply with any such suspension shall be considered a violation of probation.

#### 11. Practice Requirement – Extension of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of 120 hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the Board or its designee.

If respondent does not practice as a pharmacy technician in California for the minimum number of hours in any calendar month, for any reason (including vacation), respondent shall notify the Board in writing within 10 days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which respondent will resume practice at the required level. Respondent shall further notify the Board in writing within 10 days following the next calendar month during which respondent practices as a pharmacy technician in California for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding 36 months. The Board or its designee may post a notice of the extended probation period on its website.

## 12. Violation of Probation

If respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and the Board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board or its designee may post a notice of the extended probation period on its website.

If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry

out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

### 13. Completion of Probation

Upon written notice by the Board or its designee indicating successful completion of probation, respondent's license will be fully restored.

DATE: 09/13/2021

*Thomas Lucero*

THOMAS LUCERO

Administrative Law Judge

Office of Administrative Hearing



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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:

Case No. 7072

13 **ALONA JANE IGLESIAS AKA SARAH**  
14 **JANE ARONEK**

**STATEMENT OF ISSUES**

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

Respondent.

17  
18  
19  
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 Affairs  
23 (Board).

24 2. On or about April 29, 2020, the Board received an application for a Pharmacy  
25 Technician Registration from Alona Jane Iglesias aka Sarah Jane Aronek (Respondent). On or  
26 about April 1, 2020, Alona Jane Iglesias certified under penalty of perjury to the truthfulness of  
27 all statements, answers, and representations in the application. The Board denied the application  
28 on November 6, 2020.

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. However, the preceding seven-year limitation shall not apply in either of  
20 the following situations:

21 . . . .

22 5. Section 493 states, in pertinent part:

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

(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." . . .



1 follows:

2 a. On or about November 12, 2013, Respondent was convicted of one misdemeanor  
3 count of violating Penal Code section 647(f) [public intoxication] in the criminal proceeding  
4 entitled *The People of the State of California v. Alona Sarah Iglesias* (Super. Ct. L.A. County,  
5 2013, No. 3BV02060). The Court placed Respondent on 12 months of probation and ordered her  
6 to complete one Alcoholic Anonymous meetings per week for 30 total. On or about January 22,  
7 2015, after violating probation, Respondent was sentenced to four days in jail. The circumstances  
8 of the conviction are that on or about September 9, 2013, Respondent intoxicated while in public.

9 b. On or about April 22, 2015, Respondent was convicted of one misdemeanor count of  
10 violating Vehicle Code section 23152(b) [drive with an equal to or greater than 0.08% blood  
11 alcohol content (BAC)] in the criminal proceeding entitled *The People of the State of*  
12 *California v. Alona Sarah Iglesias* (Super. Ct. L.A. County, 2015, No. 4WA24946). The Court  
13 placed Respondent on 36 months of probation, and ordered her to complete a Three-Month First-  
14 Offender Alcohol Program. On or about November 30, 2016, after violating probation, the Court  
15 sentenced Respondent to 12 days in jail. On or about April 12, 2019, the Court terminated  
16 Respondent's probation. The circumstances of the conviction are that on or about September 14,  
17 2014, Respondent admitted to consuming three beers prior to driving her vehicle. Respondent  
18 was unable to perform field sobriety tests as demonstrated, and her BAC test results  
19 were 0.11/0.11%.

20 c. On or about June 21, 2017, Respondent was convicted of two misdemeanor counts of  
21 violating Penal Code sections 242 [battery] and 602.1(a) [interfere with or to obstruct a public  
22 business establishment after being asked to leave the premises] in the criminal proceeding entitled  
23 *The People of the State of California v. Alona Iglesias* (Super. Ct. L.A. County, 2017,  
24 No. 7VW02721). The Court sentenced Respondent to 90 days in jail and placed her on 36  
25 months of probation. On or about December 12, 2017, the Court referred Respondent's  
26 unpaid \$440.00 to civil collections. The circumstances of the conviction are that on or about May  
27 23, 2107, Respondent was found sitting in the victim's bedroom holding a bb gun waiting for him  
28 as she had expressed a desire to kill him. After being asked to put the bb gun down and refusing,

1 the victim grabbed it from her.

2

**PRAYER**

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

5 1. Denying the application of Alona Jane Iglesias aka Sarah Jane Aronek for a  
6 Pharmacy Technician Registration; and

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

8

9

10 DATED: 1/23/2021

Signature on File

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

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