

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

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

**DANIELLE MARIE BUHL, Respondent**

**Agency Case No. 7256**

**OAH No. 2022090793**

**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 April 19, 2023.

It is so ORDERED on March 20, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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**Agency Case No. 7256**

**OAH No. 2022090793**

**PROPOSED DECISION**

Carmen D. Snuggs-Spraggins, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on December 19, 2022.

Anne Sodergren (Complainant), Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs was represented by Matthew A. King, Deputy Attorney General.

Respondent Danielle Marie Buhl (Respondent) represented herself.

Oral and documentary evidence was received. The record closed and the matter was submitted for decision on December 19, 2022.

## **SUMMARY**

Respondent applied to the Board for registration as a Pharmacy Technician. Complainant seeks denial of Respondent's application based upon Respondent's March 9, 2020 convictions for driving while under the influence of alcohol on four separate occasions in 2019. Respondent demonstrated insufficient rehabilitation to demonstrate that it is consistent with the public health, safety, and welfare to issue her a pharmacy technician registration at this time. Respondent's application is denied.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. On July 9, 2021, the Board received Respondent's application for a Pharmacy Technician Registration (Application). The Board Denied the application on December 9, 2021, pursuant to Business and Professions Code section 480, subdivision (a)(1).
2. Respondent timely appealed the Board's decision and requested a hearing.
3. On May 12, 2022, Complainant filed and thereafter filed a Statement of Issues.
4. All jurisdictional requirements have been met.

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## **Complainant's Evidence**

### **CRIMINAL CONVICTIONS**

#### **August 10, 2019 Incident of Driving While Under the Influence (DUI)**

5. On March 9, 2020, in the Circuit Court for Carroll County, Maryland, case number C-06-CR-20-000040, Respondent was convicted of violating Maryland Transportation Code section TA.21.902A-1i.i (driving while under the influence of alcohol per se). The court placed Respondent on supervised probation for five years, ordered her to submit to random urinalysis testing and attend four Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings per week during the length of her probation.

6. The facts and circumstances underlying Respondent's conviction are that on August 10, 2019, Senior Trooper J. Fair of the Maryland State Police initiated a traffic stop of the vehicle Respondent was driving because Trooper Fair observed Respondent drift and cross vehicle lanes and strike a curb twice. She ultimately parked in the middle of a parking lot and not in a lane when she pulled over. When Trooper Fair made contact with Respondent, he immediately smelled the odor of an alcoholic beverage emanating from the vehicle. Respondent slurred her words when speaking with Trooper Fair. He detected the odor of alcohol on Respondent's breath, and observed that Respondent's eyes were glassy. Respondent admitted to consuming alcoholic beverages with friends that evening. She failed Standardized Field Sobriety Tests (SFSTs) and was arrested. Breath tests administered following Respondent's arrest revealed her breath alcohol content was 0.12 percent.

7. On July 13, 2021, the court modified its Probation/Supervision Order to unsupervised probation, to be monitored by pretrial services, and to allow Respondent to reside in California.

**July 18, 2019 Incident of Driving or Attempting to Drive While Impaired by Alcohol**

8. On March 9, 2020, in the Circuit Court for Carroll County, Maryland, case number C-06-CR-20-000072, Respondent was convicted of violating Maryland Transportation Code section TA.21.902A-B1.1 (driving, attempting to drive vehicle while impaired by alcohol per se). The court placed Respondent on supervised probation for five years, ordered her to submit to random urinalysis testing and attend four Alcoholics Anonymous (AA) or Narcotics Anonymous (NA) meetings per week during the length of her probation.

9. The facts and circumstances of Respondent's conviction are that on July 19, 2019, Corporal Long of the Westminster (Maryland) Police Department observed Respondent's vehicle as it failed to maintain a constant speed and swerved within its lane. Corporal Long checked Respondent's vehicle registration and noted that it was suspended as of June 14, 2019. Corporal Long conducted a traffic stop of Respondent's vehicle. Corporal detected the odor of an alcoholic beverage as he spoke with Respondent and noted Respondent's speech was slurred and her eyes were watery. Respondent admitted to consuming an alcoholic beverage within an hour before the traffic stop. She failed SFSTs and was arrested for driving while impaired by alcohol.

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### **June 27, 2019 Incident of DUI**

10. On March 9, 2020, in the Circuit Court for Carroll County, Maryland, case number C-06-CR-20-000071, Respondent was convicted of violating Maryland Transportation Code section TA.21.902A-1i.i (driving while under the influence of alcohol per se). The court ordered Respondent to serve 60 days in jail and placed Respondent on supervised probation for five years.

11. The facts and circumstances of Respondent's conviction are that on June 27, 2019, she drove a vehicle while under the influence of alcohol per se.

### **April 25, 2019 Incident of DUI**

12. On March 9, 2020, in the Circuit Court for Carroll County, Maryland, case number C-06-CR-20-000022, Respondent was convicted of violating Maryland Transportation Code section TA.21.902A-1i.i (driving, attempting to drive a vehicle while under the influence of alcohol per se). The court ordered Respondent to serve 60 days in jail and placed Respondent on supervised probation for five years.

13. The facts and circumstances underlying Respondent's conviction are that on April 25, 2019, Respondent drove or attempted to drive a motor vehicle while under the influence of alcohol and while having a blood alcohol concentration level of 0.09 percent.

14. There is no evidence that any of Respondent's convictions have been dismissed pursuant to Penal Code section 1203.4.

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## **TESTIMONY OF CHRISTINA CHHUO, PHARM.D.**

15. Christina Chhuou, Pharm.D. is an inspector for the Board. After completing pharmacy school in 2012 at Pacific University in Oregon, Inspector Chhou worked as a staff pharmacist in retail pharmacies and a skilled nursing facility, where she supervised pharmacy technicians. She also supervised pharmacy technicians while working as a clinical pharmacist on a per diem basis for Dignity Health.

16. Investigator Chhou's works within the Board's diversion and drug fraud team within the investigative unit. She investigates cases/allegations of diversion of prescription drugs and audits pharmacies for drug loss. Investigator Chhou explained that drug diversion can result in harm to the end user when ingested and because the drugs were not legally prescribed by a physician. She also explained all prescription drugs are dangerous drugs and that some prescription drugs are controlled substances. Controlled substances can lead to addiction and must be handled in ways dictated by the Drug Enforcement Administration (DEA).

17. Investigator Chhou's education, training, employment history and service with the Board established that she is qualified to provide expert testimony regarding how pharmacies process prescriptions and a pharmacy technician's duties.

18. Pharmacy technicians are responsible for reviewing a prescription, input prescription information into the pharmacy's computer system for processing, access and handle insurance and financial information, count out medication and complete prescription labels. In addition, pharmacy technicians have access to all medications except schedule II controlled substances, which are locked up because of the high potential of theft and diversion. However, schedule II drug prescriptions can be

processed and awaiting pick-up; in those instances, pharmacy technicians can access them.

19. Pharmacy technicians must be trustworthy because they work under a pharmacist's license and the pharmacist is responsible for pharmacy technicians' diversion and/or theft. Pharmacy technicians must also be of sound mind and exercise good judgment otherwise they may make mistakes in processing prescriptions for controlled substances and dangerous drugs. This is especially true since pharmacy technicians take the initial steps in the dispensing process. For example, if a pharmacy technician makes an error in counting the number of antibiotic pills dispensed, a patient's infection may not be completely cured if they receive less than was prescribed. If not enough pain medication is dispensed, the patient cannot effectively manage their pain. An impaired pharmacy technician can also affix a label to the wrong prescription bottle.

20. Investigator Chhou acknowledged that pharmacy technicians often make mistakes. It is not uncommon for a pharmacist to assist an errant pharmacist technician by offering enhanced training. However, based on Investigator Chhou's experience and training, she would be concerned about a pharmacist technician with Respondent's history of DUI because if the individual is abusing alcohol, there is a significant risk that the addiction or abuse could "spill over" to prescription medication.

21. Investigator Chhou's testimony was credited and afforded great weight.

## **Respondent's Evidence**

22. Respondent has been employed at CVS Pharmacy in Pasadena, California since July 13, 2021, as a pharmacy support technician.



23. Respondent has been sober since August 22, 2019. She attends NA and has a sponsor. Respondent is working the Twelve-Step program and is on Step 7.

24. Respondent suffered two DUI convictions, one in 2016 and the other in 2018, before suffering her March 9, 2020 convictions. After suffering her 2020 convictions, Respondent participated in alcohol and drug rehabilitation for five months in Maryland, and then lived in a sober house. While participating in rehabilitation, Respondent was allowed to lead group therapy for one month. She became the sober house manager, and while there, underwent random urinalysis once per week and always tested negative. Respondent entered Drug Treatment Court on March 9, 2020, and successfully completed all requirements of the program on April 6, 2021.

25. Respondent explained that when she drove under the influence in 2019, she suffered from anxiety and depression. She further asserted that she intended to commit suicide when she drove impaired because she had been involved in abusive relationships and wanted to die. However, Respondent now realizes that by drinking and driving, she risked hurting or killing others but did not recognize it at the time because of her addiction. Also, during that time, she worked as a trivia host in a bar and drank heavily.

26. Respondent was diagnosed with bi-polar disorder following the 2019 DUI incidents and has received treatment for her condition. She no longer has suicidal ideation, and she attends NA five times per week although she is only required to attend four meetings per week. Respondent receives support from women in her recovery program, her sister, husband, and co-workers to stay sober. She is randomly selected to undergo urinalysis once per month. Respondent remains on probation until 2025. While she used to take Prozac and other prescription medications for

anxiety/depression and insomnia, she now only takes ibuprofen when she suffers a migraine.

### **CHARACTER EVIDENCE**

27. Benjamin Cramer, Executive Director of Right Turn Impact, a sober living facility with 24-hour supervision that provides clinical treatment and recovery services, wrote a letter on Respondent's behalf dated August 9, 2022. Mr. Cramer stated Respondent successfully completed their program, which she attended from October 17, 2019, to March 10, 2020. While in the program, Respondent "made good progress and was compliant with all rules and regulations. She actively participated in groups and individual counseling. [Respondent] . . . verbalized both responsibility and remorse for her actions." (Ex. A.)

28. Saul Pandy, Pharm.D., is Respondent's former supervisor. Dr. Pany wrote that he got to know Respondent well when she worked for him in Maryland. He also wrote:

[Respondent], from her first day, showed the ability to bounce back after challenges. She had no knowledge of the work in the pharmacy but she challenged herself to continually learn and improve of her own volition. Some days were tough and defeated us, especially as the pandemic got worse, but she would be the first one back, early, and willing to learn more and improve on her mistakes. She has braved snowstorms when no one could help to help patients when they needed her most. She was the first one to take the opportunity to learn to immunize,

so she could help vaccinate people against Covid-19. Her persona is also a draw for many people who come to the pharmacy. I often hear many of our patients appreciating her jubilant spirit and her willingness to help them from the most minor nuisances to more serious matters. In fact, I have had more than one person tell me that she puts them at ease when they speak to her. Patients feel a willingness to be more open with [Respondent] as she is quick to befriend most of them. She has shown resilience not only in the pharmacy but in her life. She has shown that there is a better path forward and exemplified with the work she does outside the pharmacy to help other people who have faced addiction in life. From her terrible puns, to her endless gratitude that she shares with everyone at work, I count it a blessing to know [Respondent] the person, even more than the worker. Every sinner has a future and every saint has a past and I know that [Respondent] is a saint working for her future. I can speak to the future she is building, which is filled with hope of helping people . . . . I am encouraged by the great strides she has made with her life thus far. I am encouraged by the imperfect tenacity and great resolve with which she pursues things endlessly. Finally, I am encouraged by the gentleness of spirit she carries to the people she meets along the way. I am here to endorse her fully and her character as a testament of the capabilities of what the human spirit can accomplish. If you have any

doubts, please feel free to reach out to me, I am more than happy to put them to rest.

(Ex.C.)

29. Toudik Gharibian, Pharm.D, Pharmacist-in-Charge (PIC) at CVS Pharmacy in Pasadena, California, is Respondent's current supervisor. He believes Respondent is an integral part of the pharmacy and described how she provided necessary assistance to patients during the COVID-19 pandemic. According to Dr. Gharibian, Respondent completed training in administering immunizations in Maryland and will undergo similar training in California. He wrote that Respondent "needs" to have her application with the Board approved so that she can continue to be an advocate for patients. Dr. Gharibian further attested to Respondent's connection with the pharmacy's patients and noted that he received many customer compliments related to Respondent's performance. He has "full confidence in her skill and character. (Ex. D.)

30. Marisa Taylor, Secretary of the Heart of Recovery support group, wrote on November 2, 2022, that Respondent has attended self-help group meetings once per week for more than year, she has been a role model in meetings, she has complied with all commitments. Ms. Taylor also stated Respondent has shared openly and honestly in meetings and inspires others to similarly participate. (Ex. E.)

## **LEGAL CONCLUSIONS**

1. The burden of proof is on the applicant for a license. (*Martin v. Alcoholic Beverage Control Appeals Bd.* (1959) 52 Cal.2d 238.) The term "burden of proof" means "the obligation of a party to establish by evidence a requisite degree of belief concerning a fact in the mind of the trier of fact or the court." (Evid. Code, § 115.)

2. Pursuant to Business and Professions Code section 480, subdivision (a)(1), a license application may be denied when the applicant has been “convicted of a crime” within the preceding seven years from the date of the application when that crime is substantially related to the qualifications, functions or duties of the business or profession for which application was made. The record of the conviction of the crime is conclusive evidence of the conviction. (Bus. & Prof. Code, §493, subd. (a)).

3. California Code of Regulations, title 16 (CCR), section 1770 states that a crime is substantially related to the qualifications, functions, or duties of a Board licensee or registrant “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.”

4. The court in *Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 771 (*Griffiths*), explained:

Convictions involving alcohol consumption reflect a lack of sound professional and personal judgment that is relevant to a physician's fitness and competence to practice medicine. Alcohol consumption quickly affects normal driving ability, and driving under the influence of alcohol threatens personal safety and places the safety of the public in jeopardy. It further shows a disregard of medical knowledge concerning the effects of alcohol on vision, reaction time, motor skills, judgment, coordination and memory, and the ability to judge speed, dimensions, and distance. [Citation.]

Driving while under the influence of alcohol also shows an inability or unwillingness to obey the legal prohibition against drinking and driving and constitutes a serious breach of a duty owed to society.

5. The court's reasoning in *Griffiths* applies in this case. Respondent suffered four DUI convictions within the seven years preceding her Application to the Board. She consumed alcohol to an extent or manner dangerous to herself self or others when she drove a vehicle while under the influence of alcohol on April 25, June 27, July 18, and August 10, 2019. Respondent's DUI convictions are substantially related to the qualifications, functions, and duties of a pharmacy technician in that they evidence Respondent's present or potential unfitness to perform the functions of a pharmacy technician in a manner consistent with the public health, safety, or welfare.

### **First Cause for Denial of Application**

6. Cause exists to deny Respondent's Application pursuant to Business and Professions Code section 480, subdivision (a)(1), and CCR section 1770, in that on March 9, 2020, she was convicted of driving while under the influence of alcohol per se on August 10, 2019.

### **Second Cause for Denial of Application**

7. Cause exists to deny Respondent's Application pursuant to Business and Professions Code section 480, subdivision (a)(1), and CCR section 1770, in that on March 9, 2020, she was convicted of driving or attempting to drive a vehicle while impaired by alcohol on July 18, 2019.

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### **Third Cause for Denial of Application**

8. Cause exists to deny Respondent's Application pursuant to Business and Professions Code section 480, subdivision (a)(1), and CCR section 1770, in that on March 9, 2020, she was convicted of driving while under the influence of alcohol per se on June 27, 2019.

### **Fourth Cause for Denial of Application**

9. Cause exists to deny Respondent's Application pursuant to Business and Professions Code section 480, subdivision (a)(1), and CCR section 1770, in that on March 9, 2020, she was convicted of driving while under the influence of alcohol per se on April 25, 2019.

### **Fifth Cause for Denial of Application**

10. Cause does not exist to deny Respondent's Application pursuant to Business and Professions Code 480, on the grounds that Respondent committed acts which if done by a licentiate of the business and profession in question would be grounds for suspension or revocation of her license, in that that is not grounds for denial of license under Business and Professions Code section 480.

### **Disposition**

11. When determining whether to deny a license, the Board considers the following criteria where the applicant has not completed the criminal sentence at issue: (1) the nature and severity of the crime(s) under consideration as grounds for denial; (2) evidence of any crime(s) committed subsequent to the crime(s) under consideration as grounds for denial; (3) the time that has elapsed since commission of the crime(s); (4) whether the applicant has complied with any terms of parole,

probation, restitution or any other sanctions lawfully imposed against the applicant; (5) evidence, if any, of rehabilitation submitted by the applicant; (6) the length(s) of the applicable probation period(s); (7) the terms or conditions of probation and the extent to which they bear on the applicant's rehabilitation; and (7) the extent to which the terms or conditions of probation were modified, and the reason(s) for modification. (CCR § 1769, subdivision (b.)

12. The nature and severity of Respondent's offenses are serious. On four occasions in 2019, she drove while under the influence of alcohol. Respondent is fortunate that no one was seriously injured by her actions. Respondent was convicted for these offenses in March 2020 and was placed on five years of criminal probation. By her own admission, her criminal history also includes DUI convictions in 2016 and 2018.

13. Respondent submitted evidence of rehabilitation. She has been sober since August 2019, successfully completed drug court and her sober living program, regularly attends NA and has a sponsor. The court modified Respondent's probation so that it is unsupervised and allowed her to move to California. Prior to moving to California, Respondent worked in a pharmacy in Maryland, administering immunizations to patients in the height of the COVID-19 pandemic, and she has obtained employment at CVS Pharmacy in California where she works as a pharmacy support technician.

14. Respondent expressed remorse for her conduct, and accepted responsibility for her actions. Remorse for one's conduct and the acceptance of responsibility are the cornerstones of rehabilitation. (See *In the Matter of Brown* (1993) 2 Cal. State Bar Ct. Rptr. 309.) Fully acknowledging the wrongfulness of past actions is



an essential step towards rehabilitation. (See *Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933; *In the Matter of Brown, supra.*)

However, remorse does not demonstrate rehabilitation. A truer indication of rehabilitation is sustained conduct over an extended period of time. (*In re Menna* (1995) 11 Cal.4th 975, 991.) Respondent remains on criminal probation until 2025. While there is no evidence that Respondent has relapsed or driven while under the influence of alcohol since 2019, little weight should be given to Respondent's good conduct while under the direct supervision of probation authorities, because in such situations a respondent is required to behave in exemplary fashion. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.) To properly evaluate Respondent's rehabilitation, the Board needs to review her conduct after probation has ended.

15. Protecting the public is the Board's highest priority and the paramount concern when exercising its licensing, regulatory, and disciplinary functions. (Bus. & Prof. Code, § 4001.1.) It was Respondent's burden to demonstrate that she can be relied upon to obey all Board laws and regulations, and act in a manner that is upright, honest, and consistent with professional standards of conduct. While Respondent's efforts toward rehabilitation thus far should be commended, insufficient time has elapsed for Respondent to demonstrate complete rehabilitation as she remains on criminal probation until 2025. Accordingly, Respondent's rehabilitation efforts did not establish that she has been sufficiently rehabilitated to demonstrate that it would be consistent with the public health, safety, and welfare to issue her a pharmacy technician registration at this time. Respondent's Pharmacy Technician application should therefore be denied.

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## ORDER

The application for registration as a Pharmacy Technician submitted by respondent Danielle Marie Buhl is denied.

DATE: **01/17/2023**

*Carmen Snuggs-Spraggins*

CARMEN D. SNUGGS-SPRAGGINS

Administrative Law Judge

Office of Administrative Hearings

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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. 7256

**STATEMENT OF ISSUES**

13 **DANIELLE MARIE BUHL**

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

Respondent.

16  
17 **PARTIES**

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

20 2. On or about July 9, 2021, the Board of Pharmacy (Board) received an application for  
21 a/an Pharmacy Technician Registration from Danielle Marie Buhl (Respondent). On or about  
22 July 1, 2021, Danielle Marie Buhl certified under penalty of perjury to the truthfulness of all  
23 statements, answers, and representations in the application. The Board denied the application on  
24 December 9, 2021.

25 **JURISDICTION AND STATUTORY PROVISIONS**

26 3. This Statement of Issues is brought before the Board under the authority of the  
27 following laws. All section references are to the Business and Professions Code (Code) unless  
28 otherwise indicated.

1 4. Section 480 of the Code states:

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

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

15 . . . .

16 5. Section 493, subdivision (a) of the Code states:

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

### 24 REGULATORY PROVISIONS

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

26 For the purpose of denial, suspension, or revocation of a personal or facility  
27 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
28 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.

### 29 FIRST CAUSE FOR DENIAL OF APPLICATION

30 **(March 9, 2020 Criminal Conviction – (Driving Vehicle While Under the Influence of  
31 Alcohol Per Se on August 10, 2019)**

32 7. Respondent's application is subject to denial under Code sections 480, subdivision  
33 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was  
34 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
35 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one

1 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-li.i [driving  
2 vehicle while under the influence of alcohol per se] in a criminal proceeding titled *The State of*  
3 *Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-CR-20-000040). The  
4 court placed Respondent on five (5) years of supervised probation, ordered her to submit to  
5 random urinalysis and attend four (4) AA/NA meetings per week during the length of probation,  
6 with terms and conditions. The circumstances surrounding the conviction are that on or about  
7 August 10, 2019, Respondent drove a motor vehicle upon a highway while under the influence of  
8 alcohol per se.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(March 9, 2020 Criminal Conviction – (Driving, Attempting to Drive) Vehicle While**  
11 **Impaired by Alcohol on July 18, 2019)**

12 8. Respondent's application is subject to denial under Code sections 480, subdivision  
13 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was  
14 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
15 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one  
16 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-B1.1  
17 [(driving, attempting to drive) vehicle while impaired by alcohol] in a criminal proceeding titled  
18 *The State of Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-CR-20-  
19 000072). The court placed Respondent on five (5) years of supervised probation, ordered her to  
20 submit to random urinalysis and attend four (4) AA/NA meetings per week during the length of  
21 probation, with terms and conditions. The circumstances surrounding the conviction are that on or  
22 about July 19, 2019, Respondent drove or attempted to drive a motor vehicle upon a highway  
23 while impaired by alcohol.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(March 9, 2020 Criminal Conviction – (Driving Vehicle While Under the Influence of**  
26 **Alcohol Per Se on June 27, 2019)**

27 9. Respondent's application is subject to denial under Code sections 480, subdivision  
28 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was

1 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
2 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one  
3 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-li.i [driving  
4 vehicle while under the influence of alcohol per se] in a criminal proceeding titled *The State of*  
5 *Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-CR-20-000071). The  
6 court sentenced Respondent to serve 60 days in jail and placed her on five (5) years of supervised  
7 probation, with terms and conditions. The circumstances surrounding the conviction are that on or  
8 about June 27, 2019, Respondent drove a motor vehicle upon a highway while under the  
9 influence of alcohol per se.

10 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

11 **(March 9, 2020 Criminal Conviction – (Driving, Attempting to Drive) Vehicle While Under**  
12 **the Influence of Alcohol Per Se on April 25, 2019)**

13 10. Respondent's application is subject to denial under Code sections 480, subdivision  
14 (a)(1) and California Code of Regulations, title 16, section 1770, in that Respondent was  
15 convicted of a crime substantially related to the qualifications, functions, or duties of a licensed  
16 pharmacy technician. Specifically, on March 9, 2020, Respondent was convicted of one  
17 misdemeanor count of violating Maryland Transportation Code section TA.21.902A-li.i [(driving,  
18 attempting to drive) vehicle while under the influence of alcohol per se] in a criminal proceeding  
19 titled *The State of Maryland v. Danielle Marie Buhl* (Cir. Ct. Carroll County, 2020, No. C-06-  
20 CR-20-000022). The court sentenced Respondent to serve 60 days in jail and placed her on five  
21 (5) years of supervised probation, with terms and conditions. The circumstances surrounding the  
22 conviction are that on or about April 25, 2019, Respondent drove or attempted to drive a motor  
23 vehicle upon a highway while under the influence of alcohol per se and while having a blood  
24 alcohol concentration level of 0.09%.

25 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

26 **(Acts Warranting Denial of Licensure)**

27 11. Respondent's application is subject to denial under Code section 480 and California  
28 Code of Regulations, title 16, section 1770, in that Respondent committed acts which if done by a

1 licentiate of the business and profession in question would be grounds for suspension or  
2 revocation of her license. Complainant refers to, and by this reference incorporates, the  
3 allegations set forth above in paragraphs 8 through 10, inclusive, as though set forth fully.

4 **PRAYER**

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

- 7 1. Denying the application of Danielle Marie Buhl for a Pharmacy Technician  
8 Registration; and  
9 2. Taking such other and further action as deemed necessary and proper.

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DATED: 5/12/2022

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

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