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

In the Matter of the Statement of Issues  
Against:

**ERIC ZAVALA  
127 E. 55th Street  
Los Angeles, CA 90011  
Pharmacy Technician Registration**

Respondent.

Case No. 7602

OAH No. 2023120419

**DEFAULT DECISION AND ORDER**

[Gov. Code, § 11520]

**FINDINGS OF FACT**

1. On or about October 19, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 7602 against Eric Zavala (Respondent) before the Board of Pharmacy.

2. On or about August 10, 2022, Respondent filed an application dated April 28, 2022, with the Board to obtain a Pharmacy Technician Registration.

3. On or about June 15, 2023, the Board issued a letter denying Respondent's application for a Pharmacy Technician Registration. On or about July 9, 2023, Respondent appealed the Board's denial of his application and requested a hearing.

1           4.     On or about October 23, 2023, an employee of the Department of Justice, served by  
2 Certified and First Class Mail a copy of the Statement of Issues No. 7602, Statement to  
3 Respondent, Notice of Defense, and Request for Discovery to Respondent's address on the  
4 application form, which was and is 127 E. 55th Street, Los Angeles, CA 90011. A copy of the  
5 Statement of Issues is attached as exhibit A, and is incorporated herein by reference.

6           5.     Service of the Statement of Issues was effective as a matter of law under the  
7 provisions of Government Code section 11505, subdivision (c).

8           6.     On or about July 9, 2023, Respondent appealed the denial of his application and  
9 requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's  
10 address on the application and it informed him that an administrative hearing in this matter was  
11 scheduled for May 23, 2023.

12          7.     The matter was called for hearing at the date, time and location set forth in the Notice  
13 of Hearing. The assigned Administrative Law Judge found that the service of the Notice of  
14 Hearing on Respondent was proper. There was no appearance by or on behalf of Respondent. A  
15 default was declared and on motion of counsel for Complainant, the matter was remanded to the  
16 Board under Government Code section 11520.

17          8.     Government Code section 11506(c) states, in pertinent part:

18               (c) The respondent shall be entitled to a hearing on the merits if the respondent  
19 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
20 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
21 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
22 discretion may nevertheless grant a hearing.

23          9.     California Government Code section 11520(a) states, in pertinent part:

24               (a) If the respondent either fails to file a notice of defense . . . or to appear at  
25 the hearing, the agency may take action based upon the respondent's express  
26 admissions or upon other evidence and affidavits may be used as evidence without  
27 any notice to respondent . . . .

28          10.    Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing based upon the  
allegation set forth in the Statement of Issues and Respondent's failure to establish entitlement to  
issuance of a license.

**DETERMINATION OF ISSUES**

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2       1.     Based on the foregoing findings of fact, Respondent Eric Zavala has subjected his  
3 application for a Pharmacy Technician Registration to denial.

4       2.     Service of Statement of Issues No. 7602 and related documents was proper and in  
5 accordance with the law.

6       3.     The agency has jurisdiction to adjudicate this case by default.

7       4.     The Board of Pharmacy is authorized to deny Respondent's application for licensure  
8 based upon the following violations alleged in the Statement of Issues:

9       a.     Respondent's application is subject to denial under Business and Professions Code  
10 sections 4300, subdivision (c) and 480, subdivision (a)(1), in conjunction with California Code of  
11 Regulations, title 16, section 1770, in that Respondent committed acts of unprofessional conduct  
12 and was convicted of the following substantially related crimes:

13       (1)    On or about January 5, 2018, after mental incompetency and competency hearings,  
14 Respondent was convicted of one felony count of violating Penal Code section 69 [resisting  
15 arrest] in the criminal proceeding entitled *The People of the State of California v. Eric Zavala*  
16 (Super. Ct. L.A. County, 2018, No. BA457347).

17       (2)    On or about December 21, 2017, after mental incompetency and competency  
18 hearings, Respondent was convicted of one felony count of violating Penal Code section 4600(a)  
19 [damaging prison or jail] in the criminal proceeding entitled *The People of the State of California*  
20 *v. Eric Zavala* (Super. Ct. L.A. County, 2017, No. BA458553).

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**ORDER**


IT IS SO ORDERED that the application of Respondent Eric Zavala is hereby denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on August 7, 2024.

It is so ORDERED on July 8, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
\_\_\_\_\_  
Seung W. Oh, Pharm. D.  
Board President

DOJ docket number:LA2023602717  
66812430.DOCX

Attachment:

Exhibit A: Statement of Issues No. 7602

Exhibit B: Office of Administrative Hearings Findings and Declaration of Default; Order of Remand

Exhibit A

Statement of Issues No. 7602

1 ROB BONTA  
Attorney General of California  
2 SHAWN P. COOK  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Supervising Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6320  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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:

13 **ERIC ZAVALA**

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

16 Respondent.

Case No. 7602

**STATEMENT OF ISSUES**

17  
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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 2. On or about August 10, 2022, the Board of Pharmacy, Department of Consumer  
24 Affairs received an application for a Pharmacy Technician Registration from Eric Zavala  
25 (Respondent). On or about April 28, 2022, Eric Zavala certified under penalty of perjury to the  
26 truthfulness of all statements, answers, and representations in the application. The Board denied  
27 the application on June 15, 2023.

28 ///

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.

20 . . . .

21 (e) A board may deny a license regulated by this code on the ground that the  
22 applicant knowingly made a false statement of fact that is required to be revealed in  
23 the application for the license. A board shall not deny a license based solely on an  
24 applicant's failure to disclose a fact that would not have been cause for denial of the  
25 license had it been disclosed. . . .

26 5. Section 493 states, in pertinent part:

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

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

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.

7. Section 4301, subdivision (b), states, in pertinent 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. . . .

### **REGULATORY PROVISIONS**

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

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

### **FIRST CAUSE FOR DENIAL OF APPLICATION**

#### **(January 5, 2018, Conviction of a Substantially Related Crime, Resisting Arrest)**

9. Respondent's application is subject to denial under section 480, subdivision (a)(1), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a substantially related crime, as follows:

a. On or about January 5, 2018, after mental incompetency and competency hearings, Respondent was convicted of one felony count of violating Penal Code section 69 [resisting arrest] in the criminal proceeding entitled *The People of the State of California v. Eric Zavala* (Super. Ct. L.A. County, 2018, No. BA457347). On or about January 19, 2018, the Court sentenced Respondent to serve 270 days in jail, placed him on three years of formal probation, and ordered him to complete a 52-Week Domestic Violence Treatment Program. On or about January 23, 2019, after violating probation, the Court revoked Respondent's probation and



1 remanded him to custody. On or about January 23, 2020, the Court reinstated Respondent's  
2 probation and ordered him to complete a 180-Day Residential Treatment Program. On or about  
3 August 6, 2020, Respondent's probation was ordered to remain in effect. In addition, Respondent  
4 was ordered to provide the probation department proof of ongoing mental health treatment, taking  
5 of medications and submitting to drug testing.

6 b. The circumstances of arrest leading to the conviction are that on or about May 15,  
7 2017, law enforcement officers responded to a call of battery. Respondent had been in escalated  
8 verbal to physical altercations with his parents/victims who wanted a private persons arrest of  
9 Respondent. Respondent lived in a room in the backhouse of the family residence. Respondent  
10 entered the main residence and requested he be driven to a cousin's house to play video games,  
11 which his mother refused. Respondent became angry and began to rip down curtains and  
12 vandalize the residence. An argument ensued wherein Respondent pushed both his parents onto a  
13 bed. Respondent's father stood-up. Respondent pushed his father to the ground, got on top of his  
14 father in a mounted position, and began striking him multiple times in the head. Respondent's  
15 father sustained injuries to his head and had swelling on the mouth. Respondent's mother  
16 approached Respondent to stop him and Respondent pushed her down the stairs, and while  
17 falling, she grabbed Respondent, who fell down the stairs with her. Respondent's grandmother  
18 heard the commotion and told Respondent to stop fighting before he retreated to his backhouse  
19 residence. Upon officers' contact with Respondent, Respondent resisted arrest, grabbed at  
20 officers' gear and caused visible injuries to officers, resulting in them having hand lacerations and  
21 arm abrasions.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 **(December 21, 2017, Conviction of a Substantially Related Crime,**  
24 **Damaging Prison or Jail)**

25 10. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
26 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
27 convicted of a substantially related crime, as follows:

28 ///

1 a. On or about December 21, 2017, after mental incompetency and competency  
2 hearings, Respondent was convicted of one felony count of violating Penal Code section 4600(a)  
3 [damaging prison or jail] in the criminal proceeding entitled *The People of the State of California*  
4 *v. Eric Zavala* (Super. Ct. L.A. County, 2017, No. BA458553). The Court sentenced Respondent  
5 to 444 days in jail and placed him on three years of formal probation. On or about January 23,  
6 2020, after violating probation, Respondent was ordered to complete a 180-Day Residential  
7 Treatment Program. On or about August 6, 2020, Respondent's probation was ordered to remain  
8 in effect. In addition, Respondent was ordered to provide the probation department proof of  
9 ongoing mental health treatment, the taking of medications and submitting to drug testing. On or  
10 about December 28, 2020, the Court ordered Respondent's balance of restitution to be deemed a  
11 civil judgment and probation terminated.

12 b. The circumstances of the arrest leading to the conviction are that on or about June 8,  
13 2017, while in the Los Angeles Sheriff Department's custody, Respondent broke his jail cell's  
14 glass panel. Respondent was charged with damaging jail property.

15 **THIRD CAUSE FOR DENIAL OF APPLICATION**

16 **(Unprofessional Conduct)**

17 11. Respondent's application is subject to denial under section 4300, subdivision (c), in  
18 that on or about May 15, 2017, and June 8, 2017, Respondent committed acts of unprofessional  
19 conduct. Complainant refers to and by this reference incorporates the allegations set forth above  
20 in paragraphs 9 and 10, inclusive, as though set forth fully.

21 **PRAYER**

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

24 1. Denying the application of Eric Zavala for a Pharmacy Technician Registration;

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

DATED: 10/17/2023

**Sodergren,**  
**Anne@DCA**

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

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