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

12 In the Matter of the Statement of Issues
Against:

Case No. 7851

13 **DALTON SOLOMON DEROBERTIS**

STATEMENT OF ISSUES

14 **Pharmacy Technician License Applicant**

15 Respondent.
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18 **PARTIES**

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

22 2. On or about March 5, 2024, the Board received an application for a Pharmacy
23 Technician License from Dalton Solomon DeRobertis (Respondent). On or about February 29,
24 2024, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
25 and representations in the application. The Board denied the application on April 18, 2024.

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1 **JURISDICTION**

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

5 4. Code section 118, subdivision (a) states:

6 The withdrawal of an application for a license after it has been filed with a
7 board in the department shall not, unless the board has consented in writing to such
8 withdrawal, deprive the board of its authority to institute or continue a proceeding
against the applicant for the denial of the license upon any ground provided by law or
to enter an order denying the license upon any such ground.

9 **STATUTORY PROVISIONS**

10 5. Code section 480 states:

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

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

19 . . .

20 6. Code section 493 states:

21 (a) Notwithstanding any other law, in a proceeding conducted by a board within
22 the department pursuant to law to deny an application for a license or to suspend or
23 revoke a license or otherwise take disciplinary action against a person who holds a
24 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.

25 (b) (1) Criteria for determining whether a crime is substantially related to the
26 qualifications, functions, or duties of the business or profession the board regulates
shall include all of the following:

27 (A) The nature and gravity of the offense.

28 (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.”

...

(e) This section shall become operative on July 1, 2020.

7. 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.

8. Code section 4301 states:

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

...

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

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1 **REGULATORY PROVISIONS**

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

3 (a) For the purpose of denial, suspension, or revocation of a personal or facility
4 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
5 Business and Professions Code, a crime, professional misconduct, or act shall be
6 considered substantially related to the qualifications, functions or duties of the
7 practice, profession, or occupation that may be performed under the license type
sought or held 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.

8 (b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

9 (1) The nature and gravity of the offense;

10 (2) The number of years elapsed since the date of the offense; and

11 (3) The nature and duties of the practice, profession, or occupation that may be
12 performed under the license type sought or held.

13 (c) For purposes of subdivision (a), substantially related crimes, professional
misconduct, or acts shall include, but are not limited to, those which:

14 . . .

15 (5) Involve a conviction for driving under the influence of drugs or alcohol.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(May 11, 2017, Criminal Conviction for Reckless Driving on April 6, 2017)**

18 10. Respondent's application for a pharmacy technician license is subject to denial under
19 Code section 480, subdivision (a)(1), in that he was convicted of a crime that is substantially
20 related to the qualifications, functions and duties of a pharmacy technician. Specifically, in a
21 criminal proceeding entitled *The People of the State of California v. Dalton Solomon Derobertis*,
22 San Diego County Superior Court case number CN371795, Respondent was charged with
23 violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol and
24 Vehicle Code section 23152, subdivision (b), driving with a blood alcohol content of 0.08% or
25 higher. On May 11, 2017, Respondent was convicted on his plea of guilty to violating Vehicle
26 Code section 23103, subdivision (a), reckless driving, and as part of his plea agreement, he
27 admitted that on or about April 6, 2017, he "drove recklessly with alcohol in my system." The
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1 criminal court sentenced him to probation for a period of three years, to complete five days of
2 public service and pay all applicable fees and fines.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Dangerous Use of Alcohol)**

5 11. Respondent's application for a pharmacy technician license is subject to denial under
6 Code section 4300, subdivision (c), in conjunction with 4300, subdivision (h), in that he used
7 alcohol to an extent or in a manner dangerous to himself or others on April 6, 2017, as more fully
8 set forth in paragraph 10, which is incorporated herein by this reference.

9 **DISCIPLINARY CONSIDERATIONS**

10 12. To determine the degree of discipline to impose, if any, Complainant alleges upon
11 knowledge and belief the following:

12 a. On or about February 12, 2015, a Summit County Sheriff's Office deputy was on foot
13 patrol and observed a man, later identified as Respondent, chasing after a woman. Upon making
14 contact with the parties, the woman informed the deputy that Respondent had punched and kicked
15 her in the face. On or about March 31, 2015, in a criminal proceeding entitled *The People of the*
16 *State of Colorado v. Dalton Soloman Derobertis*, Summit County Court, Colorado, case number
17 2015M 000069, Respondent was convicted on his plea of guilty of violating Colorado Revised
18 Statutes, title 18, section 18-9-111, subdivision (a)(1), harassment with physical contact. The
19 criminal court sentenced Respondent to 12 months of supervised probation and ordered him to
20 stay away from the victim.

21 b. On or about April 13, 2015, in a criminal proceeding entitled *The People of the State*
22 *of California v. Dalton Solomon Derobertis*, San Diego County Superior Court case number
23 CN344121, Respondent was convicted on his plea of guilty to violating Penal Code section 166,
24 subdivision (c)(1), willfully, knowingly and unlawfully violating a protective order and stay away
25 court order. As part of his plea agreement, Respondent admitted that he "violated a court order
26 imposed as a condition of probation in a criminal domestic violence case." The criminal court
27 placed him on probation for a period of three years, ordered Respondent to complete a 52 week
28 Domestic Violence Recovery Program and Court Substance Abuse Assessment Evaluation, and

1 to stay away from the victim. The conviction has since been dismissed pursuant to Penal Code
2 section 1203.4.

3 c. On or about June 25, 2015, in a criminal proceeding entitled *The People of the State*
4 *of California v. Dalton Solomon Derobertis*, San Diego County Superior Court case number
5 CN344450, Respondent was convicted on his plea of guilty to violating Penal Code section 166,
6 subdivision (c)(1), willfully, knowingly and unlawfully violating a protective order and stay away
7 court order. As part of his plea agreement, Respondent admitted that he “violated a court order
8 that prohibited me from contacting my ex-girlfriend.” The criminal court placed him on
9 probation for three years, ordered him to participate in a Public Service Program, and to pay
10 applicable fees and fines. The conviction has since been dismissed pursuant to Penal Code section
11 1203.4.

12 **PRAYER**

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

- 15 1. Denying the application of Respondent Dalton Solomon DeRobertis for a Pharmacy
16 Technician License; and,
17 2. Taking such other and further action as deemed necessary and proper.

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19 DATED: 6/8/2025

Sodergren, Digitally signed by
Anne@DCA Sodergren, Anne@DCA
Date: 2025.06.08
17:47:42 -07'00'

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

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