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

12 In the Matter of the Statement of Issues  
Against:

Case No. 7888

13 **LEONARDO ALVARADO**  
14 **Pharmacy Technician License Applicant**  
15  
16 Respondent.

**STATEMENT OF ISSUES**

17  
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 (Board), Department of Consumer  
21 Affairs.

22 2. On or about March 22, 2024, the Board received an application for a Pharmacy  
23 Technician License from Leonardo Alvarado (Respondent). On or about March 14, 2024,  
24 Leonardo Alvarado certified under penalty of perjury to the truthfulness of all statements,  
25 answers, and representations in the application. The Board denied the application on May 23,  
26 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. Section 4300(c) of the Code states, in pertinent part, the board may refuse a license to  
6 any applicant guilty of unprofessional conduct.

7 **STATUTORY PROVISIONS**

8 5. Section 480 of the Code states, in pertinent part:

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

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

23 . . .

24 **REGULATORY PROVISIONS**

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

26 For the purpose of denial, suspension, or revocation of a personal or facility  
27 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the  
28 Business and Professions Code, a crime, professional misconduct, or act shall be  
considered substantially related to the qualifications, functions or duties of the  
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.

**FIRST CAUSE FOR DENIAL OF APPLICATION**

**(March 5, 2024 Criminal Conviction - DUI on June 17, 2023)**

7. Respondent's application is subject to denial under Code section 480(a)(1), in  
conjunction with California Code of Regulations, title 16, section 1770(a), on or about March 5,

1 2024, in a criminal proceeding titled *The People of the State of California vs. Leonardo Alvarado*,  
2 in Superior Court of California, County of San Bernardino, Case No. MWV24003173,  
3 Respondent pled no contest and was convicted of violating Vehicle Code section 23152(a)  
4 (driving under the influence), a misdemeanor; and Vehicle Code section 23152(b) (driving under  
5 the influence alcohol/0.08% or more), a misdemeanor. Respondent was sentenced to serve two  
6 days in jail, placed on probation for three years with terms and conditions, ordered to complete a  
7 nine-month DUI program, and pay fines and fees.

8 The circumstances surrounding the conviction are that on or about June 17, 2023, at  
9 approximately 1:37 a.m., a San Bernardino County Sheriff's Department deputy initiated a traffic  
10 stop involving Respondent. Upon speaking to Respondent, the deputy noticed an odor of an  
11 alcoholic beverage emitting from his person, flushed face, slurred speech, and red, watery, and  
12 glossy eyes. Respondent admitted to drinking alcoholic beverages prior to driving. At  
13 approximately 2:41 a.m., Respondent submitted to a blood sample that revealed a blood alcohol  
14 concentration of 0.226%.

15 **PRAYER**

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

- 18 1. Denying the application of Leonardo Alvarado for a Pharmacy Technician License;  
19 and  
20 2. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 9/18/2024

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2024.09.18 07:38:42  
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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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