

1 ROB BONTA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
3 STEVE J. PYUN
Deputy Attorney General
4 State Bar No. 253563
2550 Mariposa Mall, Room 5090
5 Fresno, CA 93721
Telephone: (559) 705-2336
6 Facsimile: (559) 445-5106
E-mail: Steve.Pyun@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

Case No. 8217

12 **DANIEL PATRICK GAUL**

STATEMENT OF ISSUES

13
14 **Pharmacy Technician License Applicant**

15 Respondent.
16

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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 (Board), Department of Consumer
21 Affairs.

22 2. On or about November 5, 2025, the Board received an application for a Pharmacy
23 Technician License from Daniel Patrick Gaul (Respondent). On or about November 3, 2025,
24 Daniel Patrick Gaul certified under penalty of perjury to the truthfulness of all statements,
25 answers, and representations in the application. The Board denied the application on March 2,
26 2026.

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3. This Statement of Issues is brought before the Board, under the authority of the

4. Section 480 states, in pertinent part:

(1) The applicant 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 the business or profession for which the application is made, regardless of whether the applicant was incarcerated for 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. . . .

Notwithstanding any other law, in a proceeding conducted by a board within 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.

7. Section 4301 states, in pertinent part:

...

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1 or to the public, or to the extent that the use impairs the ability of the person to conduct with
2 safety to the public the practice authorized by the license.

3 ...

4 (I) The conviction of a crime substantially related to the qualifications, functions, and
5 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
6 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
7 substances or of a violation of the statutes of this state regulating controlled substances or
8 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases,
9 the record of conviction shall be conclusive evidence only of the fact that the conviction
10 occurred. The board may inquire into the circumstances surrounding the commission of the
11 crime, in order to fix the degree of discipline or, in the case of a conviction not involving
12 controlled substances or dangerous drugs, to determine if the conviction is of an offense
13 substantially related to the qualifications, functions, and duties of a licensee under this
14 chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is
15 deemed to be a conviction within the meaning of this provision. The board may take action
16 when the time for appeal has elapsed, or the judgment of conviction has been affirmed on
17 appeal or when an order granting probation is made suspending the imposition of sentence,
18 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
19 person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the
20 verdict of guilty, or dismissing the accusation, information, or indictment.

21 8. Section 4307 states:

22 (a) Any person who has been denied a license or whose license has been revoked or is
23 under suspension, or who has failed to renew his or her license while it was under
24 suspension, or who has been a manager, administrator, owner, member, officer, director,
25 associate, partner, or any other person with management or control of any partnership,
26 corporation, trust, firm, or association whose application for a license has been denied or
27 revoked, is under suspension or has been placed on probation, and while acting as the
28 manager, administrator, owner, member, officer, director, associate, partner, or any other
person with management or control had knowledge of or knowingly participated in any
conduct for which the license was denied, revoked, suspended, or placed on probation, shall
be prohibited from serving as a manager, administrator, owner, member, officer, director,
associate, partner, or in any other position with management or control of a licensee as
follows:

(1) Where a probationary license is issued or where an existing license is placed on
probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the
license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate, partner, or
any other person with management or control of a license" as used in this section and
Section 4308, may refer to a pharmacist or to any other person who serves in such capacity
in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government
Code. However, no order may be issued in that case except as to a person who is named in

the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

REGULATORY PROVISIONS

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

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the 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.

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

(1) The nature and gravity of the offense;

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

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

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

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.

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

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 **(Substantially Related Criminal Conviction)**

3 10. Respondent's application is subject to denial under Code sections 480,
4 subdivision (a)(1), 4300, subdivision (c), and 4301, subdivision (l), as well as California Code of
5 Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially
6 related to the qualifications, functions, or duties of a licensed pharmacy technician, as follows:

7 a. On or about June 30, 2023, Respondent was convicted of one misdemeanor count of
8 violating Vehicle Code section 23152, subdivision (b) [driving with blood alcohol content (BAC)
9 equal to or greater than 0.08%] with an enhancement for violation of Vehicle Code section 23758
10 [BAC equal to or greater than 0.15%] in the criminal proceeding entitled *The People of the State*
11 *of California v. Daniel Patrick Gaul* (Tulare County Superior Court Case No. PCM 442269B).
12 The court sentenced Respondent to two days in jail and five years of probation, and ordered him
13 to perform 60 hours of community service, complete a nine-month DUI treatment program, and
14 install and maintain an ignition interlock device in his vehicle for six months.

15 b. The circumstances of the arrest leading to the conviction are that at approximately
16 8:46 p.m. on May 17, 2023, officers of the Porterville Police Department responded to the scene
17 of a traffic collision involving a vehicle that had collided with a concrete median at the
18 intersection of Olive Avenue and Plano Street in Porterville. Respondent told officers at the
19 scene that he had driven onto the median while trying to make a turn, and his vehicle had become
20 disabled. Respondent admitted that he had consumed three 24-ounce cans of "Four Loko," an
21 alcoholic beverage, between 6:00 p.m. and 8:15 p.m. that day. Officers observed that Respondent
22 had slurred speech, red and watery eyes, and a strong odor of alcohol on his breath. Respondent
23 failed field sobriety tests, and refused a preliminary breath test at the scene. At 9:07 p.m. and
24 9:10 p.m., Respondent submitted to a chemical breath test, both of which revealed a BAC of
25 0.31%.

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