

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

In the Matter of the Statement of Issues Against:

PAOLO BETITA DANO, Respondent

Agency Case No. 7300

OAH No. 2022080394

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 5, 2023.

It is so ORDERED on March 6, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

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PROPOSED DECISION

Marion J. Vomhof, Administrative Law Judge, Office of Administrative Hearings , State of California, heard this matter by videoconference on January 11, 2023.

Amie J. Flynn, Deputy Attorney General, appeared and represented complainant Anne Sodergren, Executive Officer of the Board of Pharmacy (board), Department of Consumer Affairs, State of California.

Paolo Betita Dano, respondent, appeared and represented himself.

Oral and documentary evidence was received. The record was closed, and the matter was submitted for decision on January 11, 2023.

FACTUAL FINDINGS

Jurisdictional Matters

1. On August 18, 2014, the board issued Intern Pharmacist License No. INT 33708 to respondent to work as an intern pharmacist in California. This license expired on May 31, 2016.

2. On June 15, 2020, respondent completed and signed, under penalty of perjury, a Pharmacist Examination for License Application (application). On June 18, 2020, the board received the application.

3. On March 18, 2022, the board denied respondent's application. By letter dated May 10, 2022, respondent appealed the board's denial and requested a hearing.

4. On June 30, 2022, complainant signed the statement of issues in her official capacity. The statement of issues alleged three causes for denial of the application: respondent's August 15, 2017, conviction for possession of marijuana; commission of an act that would be grounds for suspension or revocation of license due to unprofessional conduct; and making a false statement of fact in the application.

Respondent's Arrest and Conviction

5. On April 20, 2016, while driving from California to Texas, respondent was stopped in Texas by a Fayette County Sheriff's Department Deputy. Respondent was arrested after marijuana, an AK-47 assault rifle, and Cialis and Viagra tablets, for which respondent did not have prescriptions, were found in his vehicle.

6. On August 15, 2017, in the County Court of Fayette County, Texas, respondent was convicted on his plea of guilty of possession of marijuana greater than

two ounces and less than or equal to four ounces, a Class A misdemeanor. Respondent was ordered to one year of deferred adjudication (probation) and 80 hours of community service. Respondent was also ordered to complete a drug offender education program and abstain from the use of marijuana or any drug or controlled substance unless prescribed by a doctor, and to submit to drug/alcohol screening and submit to an alcohol assessment on drug and alcohol abuse. He was required to forfeit his AK-47 rifle to the Fayette County Sheriff's Department. He was also required to pay fines, court costs and restitution.

7. On August 21, 2018, the County Court of Fayette released respondent from misdemeanor deferred adjudication.

Texas State Board of Pharmacy

8. On August 12, 2015, respondent filed an Application for Pharmacist Licensure by Examination (Texas application) with the Texas State Board of Pharmacy (Texas board).

9. On June 13, 2016, he admitted to a Texas board investigator that he was using marijuana and receiving Cialis and Viagra from a friend. He said he was experiencing depression and anxiety after failing the North American Pharmacist Licensure Examination (NAPLEX). He admitted that at the time of his arrest on April 20, 2016, he was attempting to transport marijuana, Viagra, and Cialis to Texas for personal use.

10. On February 3, 2017, respondent was notified by the Texas board of its intent to take disciplinary action against his Texas application as a result of his arrest on April 20, 2016. The Texas board concluded that respondent's conduct "constitutes probable cause that (respondent) "has developed an incapacity . . . that prevents a

pharmacist or applicant from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public.”

11. On April 5, 2017, respondent signed the Texas board’s order which stated he would be granted a pharmacist license after successful completion of all requirements of licensure. Subsequently, his license would be placed on a five-year probationary period.

12. On November 28, 2018, respondent withdrew his Texas application.

California Board of Pharmacy

13. On June 15, 2020, respondent submitted a Pharmacist Examination for Licensure Application (application) to the California board. Question 7(B) of the application asked about his disciplinary history and stated that the question pertained “to a license sought or held in any state, . . . or other jurisdiction.” Question 7(B) stated:

B. Have you ever had a pharmacy technician, intern pharmacist, pharmacist, any type of designated representative, and/or any other professional or vocational license or registration suspended, revoked, placed on probation, or had other disciplinary action taken against it?

Despite the discipline and probation ordered by the Texas board on April 5, 2017, respondent placed an “X” in the space entitled “No” for this question. He signed the application and certified under penalty of perjury to the truth and accuracy of all statements, answers, and representations made in the application, and that he understood that his application may be denied for fraud or misrepresentation.

14. On March 18, 2022, the board denied respondent’s application.

Report of Board Inspector and Testimony of Inspector Sarah Bayley

15. Sarah Bayley has been an inspector for the board for 22 years. She became a licensed pharmacist in 1994. After completing an internship, she worked for six years in a retail setting. Ms. Bayley testified that another board inspector conducted the investigation and prepared a written report, which Ms. Bayley reviewed. The following is taken from Ms. Bayley's testimony and her written report.

16. Pharmacists are required to discuss medications with the medical professionals, evaluate prescriptions, answer patients' questions, and accurately document and dispense drugs. They have access to private information and integrity is a vital part of their job. Patients trust them and rely on their guidance. Pharmacists must be honest and trustworthy. They must exercise good judgment. They are required to adhere to all laws, including those regulating distribution of drugs.

Respondent's conduct showed a disregard for the law. He was convicted for possession of marijuana. He admitted he was in possession of Viagra and Cialis, neither of which were prescribed to him. His possession of an illegal drug and drugs for which he did not have a prescription is especially troubling because he is attempting to obtain a pharmacist license.

Respondent admitted to using marijuana. Being under the influence impacts one's ability to make clear decisions. His use of marijuana is concerning as a pharmacist must make clear decisions even when under stress to avoid harming a patient. Even a slight error could be life-threatening to a patient. There is a concern for patient safety because respondent has shown that he is unable to obey either state laws or those enacted to regulate drugs for protection of the public.

Testimony and Report of Matthew Carroll, M.D.

17. The following is a summary of the testimony and written report of Dr. Matthew Carroll. Dr. Carroll is board certified in psychiatry with a subspecialty in forensic psychiatry. He is licensed as a medical doctor in California. On August 18, 2021, Dr. Carroll performed a psychiatric evaluation for respondent. Dr. Carroll interviewed respondent and reviewed records received from the board, including the board's November 21, 2019, investigation report, respondent's examination application to the board, and the Fayette County Texas sheriff's office report. Dr. Carroll reviewed the results of psychological testing conducted in his office.

18. Respondent informed Dr. Carroll that he used marijuana and was driving back to Texas when he was stopped by the Fayette Texas sheriff's department. As noted earlier, the deputies found marijuana, an AK 47 rifle, and Cialis and Viagra pills which were not prescribed to him in his vehicle. Although marijuana was legal in California, it was not legal in Texas. Dr. Carroll opined that respondent's possession of an illegal drug and prescription drugs that had not been prescribed for him showed extremely poor judgment, especially because he was a pharmacy candidate.

Respondent was placed on probation with the Texas board and attended three months of outpatient rehabilitation and was subjected to random drug testing. He relapsed when he moved back to California in December 2018. Dr. Carroll noted that when he saw respondent on August 18, 2021, he admitted he was using marijuana. However, Dr. Carroll reviewed a letter respondent sent to the board where he stated that that he had not used marijuana in four years. He believes it would be beneficial to track respondent's use of marijuana through random drug testing.

19. Dr. Carroll opined that respondent's ability to conduct the practice of pharmacy and ensure the public safety is impaired when respondent is using marijuana. Respondent said that he will stop using, and if he is able to do so, then he would not have an impaired ability to practice. When respondent was unable to pass the pharmacy exam, he became depressed and began using marijuana heavily. Dr. Carroll believes the marijuana exacerbated respondent's depressive symptoms.

20. In summary, Dr. Carroll opined that if respondent attends another course of drug treatment including psychotherapy and is subject to frequent random drug tests, he would then have the ability to safely practice pharmacy.

Testimony of Respondent

21. Respondent testified and his testimony is summarized as follows: He "excelled and completed" 80 sessions of outpatient rehab from March 2022 to April 2022. He has attended Alcoholic Anonymous (AA) three times per week since that time. He has made mistakes, including his 2016 arrest. He stopped using marijuana after his meeting with Dr. Carroll on August 18, 2021.

22. The following is a summary of respondent's answers to questions posed to him on cross-examination. Respondent and his wife were married in 2004 and have no children. He attended pharmacy school in Hartford, Connecticut and graduated in 2015. After graduation he moved to Texas where his wife was working and had been living for more than 15 years. He failed the Texas NAPLEX, became depressed, and "was in a dark place." He drove to Sacramento to visit his parents. While returning to Texas, he was arrested on April 20, 2016, for possession of a firearm, marijuana, and Cialis and Viagra not prescribed to him. The AK-47 rifle was registered to him. In August 2017, he was convicted of possession of marijuana.

In April 2017, the Texas board disciplined his application and placed him on five years' probation and required him to take intensive outpatient rehab, attend AA meetings four times per week, and submit to random drug screening. He was allowed to continue to pursue his license and he passed the Texas NAPLEX in 2018. He did not complete probation, but in November 2018 he withdrew his application and moved to California where he had grown up. In hindsight he should have stayed in Texas and finished his probation, obtained his pharmacy license, and transferred his license to California. At the time he moved he thought he could transfer his Texas NAPLEX to California, but he missed the 30-day cutoff period for transfer and is required to take the California NAPLEX. If he cannot take the California NAPLEX, he may move back to Texas where he will have to "redo" the five years of probation before he can be licensed.

Respondent moved back to California to be licensed here to be closer to, and care for, his parents. When he first moved to California he lived with his cousin and periodically went to visit his parents for months at a time. He worked for Amazon and at a warehouse. He quit his job in November 2022 and is studying for the NAPLEX. His wife moved to California about six months ago.

Respondent sent four applications to the board. There was something wrong with his first application and "they" sent him questions and he had to resend the application. The second time he had to "redo something regarding his intern hours," but he "filled it out wrong so had to submit a second time." The reason for the multiple applications was because he did not read the application thoroughly, although he agreed that as a pharmacist, he is required to read prescriptions carefully. Regarding the "no" response to question 7(B) on his completed application, he said he

“did not mean to exclude” the information. He said, “It was an honest mistake, I may not have read (the questions) thoroughly.”

He began attending AA meetings in Texas and continued when he moved to California in 2018. He “stopped attending after COVID.” He began using again and admitted that he smoked marijuana three days before his appointment with Dr. Carroll on August 18, 2021. His sobriety date is August 18, 2021. He began attending AA meetings after his meeting with Dr. Carroll and stated that “since that time I have been sober and clean.” He continues to attend AA at this time. He has no record of attending any AA meetings.

When asked if his statement in his May 10, 2022, letter to the board that he had been sober for almost four years was false, he responded, “Consecutively, yes.” He explained that he was sober, he had “a little slip up,” and then became sober again. He said, “So, four years on and off, I guess.”

Although he was not using marijuana, when his application was denied in March 2022, he immediately began a three or four-week outpatient rehab program for a total of 80 sessions at His House Men’s Treatment Facility in Ontario. He said he attended the outpatient program because “when I got the denial, I wanted to show them that I want this.”

Respondent acknowledged he should not have been in possession of an illegal drug, but he said, “At the time I was in a bad place. I didn’t really care too much about a lot of things.” When asked if he thought that, as a candidate of a pharmacy license it was okay to take drugs that had not been prescribed to him, he responded, “Well, technically you can but I don’t believe you should.”

He understands that the board does not believe he is ready to practice pharmacy. He believes "their reasoning is justified" but he said, "I am doing everything I can to show I am ready to practice." He believes he should be given a chance. When asked how the board could be assured that he will not smoke marijuana again, he said "there is no assurance" but "I will comply with whatever" order the board may issue, including random drug testing or attending AA meetings. Passing the NAPLEX is important to him.

Character Reference Letters

23. The following are relevant character references submitted by respondent:

24. Three letters from individuals involved in his outpatient rehab at His House Men's Treatment Facility. The authors confirmed his attendance in the program. They wrote that he demonstrated good insight and commitment, showed great awareness of reasons for and alternatives to substance abuse; and he has the "appropriate coping skills" required to work as a pharmacist "in an ethical and appropriate fashion."

25. The manager of the warehouse where respondent worked described him as an excellent worker with a great work ethic.

26. A classmate and friend from respondent's pharmacy program wrote that she is aware of his arrest and the denial of his application. She described him as a person of integrity and asks that he be given a second chance because he attended outpatient rehab and NA/AA meetings after his arrest. Another classmate wrote that respondent has great moral and ethical characteristics.

LEGAL CONCLUSIONS

1. In a hearing to determine whether a license should be granted or issued, the applicant must show compliance with the statutes and rules governing the license by producing proof at the hearing. (Gov. Code, § 11504; *Coffin v. Department of Alcoholic Beverage Control* (2006) 139 Cal.App. 4th 471, 475.) The standard of proof is a preponderance of the evidence. (Evid. Code, §§ 115, 500.)

2. Business and Professions Code section 480 provides that:

(a) . . . a board may deny a license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following conditions are met:

(a)(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, . . .

(a)(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to the

qualifications, functions, or duties of the business or profession for which the present application is made. . . .

[¶] . . . [¶]

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

3. Business and Professions Code section 493, subdivision (a), states that the record of a conviction shall be conclusive evidence of the fact that the conviction occurred. Subdivision (b) states that the criteria to determine whether a crime is substantially related to the qualifications, functions, or duties of the profession shall include: the nature and gravity of the offense; the number of years elapsed since the date of the offense; and the nature and duties of the profession.

4. Business and Professions Code 4301, subdivision (n), provides that unprofessional conduct includes discipline by another state of a license to practice pharmacy or to "do any other act for which a license is required under this chapter that would be grounds for revocation, suspension, or other discipline" The evidence of discipline by another state is conclusive proof of unprofessional conduct.

5. The statutes relating to licensing are designed to protect the public from dishonest, untruthful, and disreputable licensees. (*Arneson v. Fox* (1980) 28 Cal.3d 440, 451.) Administrative actions regarding a state-issued license are not for the primary

purpose of punishing an individual. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 165.) Rather, in issuing and disciplining licenses, a state agency is primarily concerned with protection of the public, maintaining the integrity and high standards of the profession, and preserving public confidence in licensure. (*Ibid*; see also *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.)

Cause Exists for Denial of Application

6. Respondent's application is subject to denial under Business and Professions Code section 480, subdivision (a) (1) because, on August 15, 2017, respondent was convicted of possession of marijuana, and this crime and the underlying acts are substantially related to the qualifications, functions and duties of a licensee because they evidence a potential unfitness to perform the functions authorized by a pharmacist in a manner consistent with the public health, safety, or welfare.

7. Respondent's application is subject to denial under Business and Professions Code section 480, subdivision (a)(2) and section 4301, subdivision (n) because respondent committed acts that would be grounds for suspension or revocation of a pharmacist license due to unprofessional conduct when he was disciplined by the Texas board, when he was convicted of possession of marijuana, and when he knowingly made false statements of fact that were required to be revealed in the application.

8. Respondent's application is subject to denial under Business and Professions Code section 480, subdivision (e), because respondent knowingly made false statements of fact that were required to be revealed in the application when he

stated "no" in response to question 7 regarding discipline in another state or jurisdiction.

Evaluation Regarding the Degree of Discipline to Impose

9. In considering disciplinary action, the board is required to consider its disciplinary guidelines, effective February 2017. Based on the guidelines, respondent's rehabilitation does not meet the requirements for the board to approve his application or grant probation at this time.

Respondent was convicted of possession marijuana. He was in possession of and took drugs which were prescribed for a friend. This conduct reflects a lack of ability to follow the law and regulations for controlled substances.

He admitted to using marijuana up until his evaluation by Dr. Carroll on August 18, 2021. He said this was his sobriety date. He has been "clean and sober" since that date. This statement was false. In his May 10, 2022, letter to the board he wrote that he had been sober for almost four years; at hearing he admitted this statement was false and he had been sober "off and on" for four years. He falsely answered "No" to a question asking if he had previously been disciplined. He said this was a "mistake" and he may have not read the question carefully. His conduct reflects poor judgment and the inability to be honest and truthful. Honesty and good judgment are required of a pharmacist.

Respondent submitted four applications before his application was accurately completed. He admitted this was a result of not thoroughly reading questions. This conduct shows a lack of attention to detail, a duty unequivocally owed to and expected by his patients and the public.

The burden was on respondent to show his fitness for the license he requests, including a satisfactory level of rehabilitation. Respondent stated that he has done everything he can to show the board that he is ready to practice pharmacy. However, his evidence of rehabilitation was insufficient to dispel the noted concerns about his past behavior being repeated in the future. Since public protection must take precedence in this case, the board's denial of respondent's application was warranted and must be upheld.

ORDER

The application of respondent Paolo Betita Dano is denied. The board's denial of his application is affirmed.

DATE: February 2, 2023

Marion J. Vomhof

MARION J. VOMHOF

Administrative Law Judge

Office of Administrative Hearings

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

13 In the Matter of the Statement of Issues
Against:

Case No. 7300

14 **PAOLO BETITA DANO**

STATEMENT OF ISSUES

15 **Pharmacist License Applicant**

16 Respondent.

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19 **PARTIES**

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

23 2. On or about June 18, 2020, the Board received an application for a Pharmacist
24 License from Paolo Betita Dano (Respondent). On or about June 15, 2020, Respondent certified
25 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
26 application. The Board denied the application on March 18, 2022.

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28 ///

1 **JURISDICTION**

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

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300, subdivision (a), of the Code provides that every license issued by the
9 Board may be suspended or revoked.

10 6. Section 4300, subdivision (c), of the Code states:

11 The board may refuse a license to any applicant guilty of unprofessional
12 conduct. The board may, in its sole discretion, issue a probationary license to any
13 applicant for a license who is guilty of unprofessional conduct and who has met all
14 other requirements for licensure. . . .

15 7. Section 4300.1 of the Code states:

16 The expiration, cancellation, forfeiture, or suspension of a board-issued license
17 by operation of law or by order or decision of the board or a court of law, the
18 placement of a license on a retired status, or the voluntary surrender of a license by a
19 licensee shall not deprive the board of jurisdiction to commence or proceed with any
20 investigation of, or action or disciplinary proceeding against, the licensee or to render
21 a decision suspending or revoking the license.

22 **STATUTORY PROVISIONS**

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

24 (a) A board may deny a license regulated by this code on the grounds that the
25 applicant has one of the following:

26 (1) The applicant has been convicted of a crime within the preceding seven
27 years from the date of application that is substantially related to the qualifications,
28 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. However, the preceding seven-year limitation shall not apply in either of
the following situations:

1 ...
2 (e) A board may deny a license regulated by this code on the ground that the
3 applicant knowingly made a false statement of fact that is required to be revealed in
4 the application for the license. A board shall not deny a license based solely on an
5 applicant's failure to disclose a fact that would not have been cause for denial of the
6 license had it been disclosed.

7
8 9. Section 4301 of the Code states:

9 The board shall take action against any holder of a license who is guilty of
10 unprofessional conduct or whose license has been issued by mistake. Unprofessional
11 conduct shall include, but is not limited to, any of the following:

12 ...
13 (n) The revocation, suspension, or other discipline by another state of a license
14 to practice pharmacy, operate a pharmacy, or do any other act for which a license is
15 required by this chapter that would be grounds for revocation, suspension, or other
16 discipline under this chapter. Any disciplinary action taken by the board pursuant to
17 this section shall be coterminous with action taken by another state, except that the
18 term of any discipline taken by the board may exceed that of another state, consistent
19 with the board's enforcement guidelines. The evidence of discipline by another state
20 is conclusive proof of unprofessional conduct.

21 ...
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23 **FIRST CAUSE FOR DENIAL OF APPLICATION**

24 **(August 15, 2017 Criminal Conviction for Possession of Marijuana on April 20, 2016)**

25 10. Respondent's application is subject to denial under section 480, subdivision (a)(1) of
26 the Code, in that on or about August 15, 2017, in a criminal proceeding entitled *The State of*
27 *Texas vs. vs. Paolo Betita Dano*, Fayette County Court, Case Number 27854, Respondent was
28 convicted by guilty plea for Possession of Marijuana, a misdemeanor. The court granted one year
of deferred adjudication according to terms and conditions including 80 hours of community
service, a 15-hour drug offender education program, and payment of \$1,652.00 in fines and fees.

11. The facts that led to the conviction are that on or about April 20, 2016, Respondent
was driving from California to his home state of Texas. At approximately 12:46 p.m., while
Respondent was in Texas, an officer with the Fayette County Sheriff's Department conducted an
enforcement stop on his vehicle for traveling in a passing lane and failing to use a signal when
changing lanes. During the traffic stop, the officer observed that Respondent seemed nervous.
The officer asked if there were any illegal drugs in the vehicle and Respondent disclosed that

1 there was a small amount of marijuana inside the vehicle. The officer searched the vehicle and
2 located several rolled “joints,” 216 grams of marijuana, Viagra pills, Cialis pills, a rifle, and
3 \$2,500 in cash. Because marijuana is illegal in Texas, Respondent was arrested for possession of
4 marijuana, as well as possession of dangerous drugs and unlawful carry of a weapon.

5 12. On or about February 3, 2017, Respondent was notified by the Texas State Board of
6 Pharmacy (Texas Board) of its intent to take action against his pharmacist licensure by
7 examination application, based on the aforementioned April 20, 2016 arrest. On or about June
8 13, 2016, Respondent admitted to the Texas Board that he had used marijuana and received
9 Viagra and Cialis from a friend. Respondent also admitted that he was attempting to transport
10 marijuana, Viagra, and Cialis from California to Texas for personal use. On April 5, 2017,
11 Respondent signed Texas State Board of Pharmacy Agreed Board Order #G-16-017, which stated
12 that he would be granted a pharmacist license after successful completion of all requirements of
13 licensure, subject to a five-year probationary period. On November 28, 2018, Respondent’s
14 application with the Texas Board was withdrawn, and monitoring ceased.

15 13. On or about June 15, 2020, Respondent submitted his Pharmacist Examination for
16 Licensure Application to the Board. Question #7 of the application asked about Respondent’s
17 disciplinary history, pertaining to disciplinary actions taken against licenses sought or held in
18 other jurisdictions. Although Respondent submitted this application after the aforementioned
19 Texas Board Order #G-16-017, he falsely answered “no” to Question #7.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Commission of Act that would be Grounds for Suspension of Revocation of License)**

22 14. Respondent’s application is subject to denial under section 480, subdivision (a)(2),
23 and section 4301, subdivision (n), in that Respondent committed an act that would be grounds for
24 suspension or revocation of his license due to unprofessional conduct, as further laid out in
25 paragraphs 10-13 above.

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THIRD CAUSE FOR DISCIPLINE

(False Statement of Fact on Application)

15. Respondent’s application is subject to denial under section 480, subdivision (e) of the Code, in that Respondent knowingly made a false statement of fact that is required to be revealed in the application for license, as further laid out in paragraphs 10-13 above.

PRAYER

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

- 1. Denying the application of Paolo Betita Dano for a Pharmacist License; and,
- 2. Taking such other and further action as deemed necessary and proper.

DATED: 6/30/2022

Signature on File

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

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