KAMALA D. HARRIS
Attorney General of California
LINDA K. SCHNEIDER
Senior Assistant Attorney General
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
State Bar No. 225325
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 897-2542
Facsimile: (213) 897-2804

Attorneys for Complainant

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

In the Matter of the Accusation Against: **ALICIA MICHELLE CASTILLO** 44829 Trevor Ave., Apt. #1 Lancaster, CA 93534 Pharmacy Technician Registration No. TCH 130425 Respondent.	Case No. 5597 **A C C U S A T I O N**

Complainant alleges:

PARTIES

1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs ("Board").

2. On or about March 27, 2013, the Board of Pharmacy issued Pharmacy Technician Registration No. TCH 130425 to Alicia Michelle Castillo ("Respondent"). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2016, unless renewed.

///

///

///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Section 4300, subdivision (a), of the Code states that "[e]very license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

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

STATUTORY PROVISION

6. Section 4301 of the Code 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

. . .

"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

. . .

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment."

REGULATORY PROVISION

7. 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."

COST RECOVERY

8. Section 125.3 provides that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

///

///

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

9. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of substantially related crimes, as follows:

a. On or about October 28, 2014, after pleading nolo contendere, Respondent was convicted of one felony count of violating Penal Code section 646.9(a) [stalking/malicious harassment], in the criminal proceeding entitled, *The People of the State of California v. Alicia Michelle Castillo* (Super. Ct. L.A. County, 2014, No. MA063812). The court sentenced Respondent to three years in state prison, placed her on five years formal probation with terms and conditions, and ordered her to complete a 26-week anger management program.

b. The circumstances underlying the conviction are that on or about July 23, 2014, Respondent threatening another person and made telephone calls claiming she was going to find out where the victim lived and "beat" the victim. Respondent claimed ties to the Mexican Mafia, criminal organization. The harassment included sending threatening texts to the victim. In addition, the Respondent contacted the victim's daughter's school and told the school to stop giving the minor child her prescription medication. The victim also received messages at work indicating that her family members had died.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

10. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that Respondent was convicted of substantially related crimes, as follows:

a. On or about July 18, 2014, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 245, subdivision (a)(4) [assault by means likely to produce great bodily injury], in the criminal proceeding entitled, *The People of the*

State of California v. Alicia Michelle Castillo (Super. Ct. L.A. County, 2014, No. MA063514). The court denied probation and sentenced Respondent to serve 161 days in jail and pay fines.

b. The circumstances underlying the conviction are that on or about July 5, 2014, Respondent and two male suspects entered a liquor store and attacked a male adult victim. Respondent repeatedly punched the victim's head while he was on the ground. Respondent's co-defendants kicked the victim's ribs and head repeatedly. Respondent held down the victim in order for one of the male suspects to kick him several more times in the torso.

THIRD CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

11. Respondent is subject to disciplinary action under Code sections 4300 and 4301, subdivision (f), on the grounds of unprofessional conduct, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant refers to and by this reference incorporates the allegations set forth above in paragraphs 9 and 10, as though set forth fully.

DISCIPLINE CONSIDERATIONS

12. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about April 21, 2009, after pleading nolo contendere, Respondent was convicted of one misdemeanor count of violating Penal Code section 32 [accessory after the fact], in a criminal proceeding entitled *The People of the State of California v. Alicia Michelle Castillo* (Super. Ct. L.A. County, 2009, No. MA045195). The court sentenced Respondent to 30 days in jail and placed her on 36 months probation. On or about May 16, 2011, the conviction was dismissed pursuant to Penal Code section 1203.4.

a. The circumstances underlying this criminal conviction is that on or about March 23, 2009, deputies arrived at Respondent's location to search for her brother, a convicted felon who failed to report for work release. Respondent repeatedly denied that her brother was inside the residence but the felon was ultimately found locked inside the bathroom. Respondent was charged with violating Penal Code Section 4534 [aiding a prisoner's escape].

//

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration No. TCH 130425, issued to Alicia Michelle Castillo;

2. Ordering Alicia Michelle Castillo to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

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

DATED: 6/10/16

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2015502039/52081313.docx/05022016