

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

In the Matter of the Accusation Against:

LETICIA AQUINO,

Pharmacy Technician Registration  
No. TCH 44850

Case No. 5679

OAH No. 2016010706

Respondent.

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as the decision in the above-entitled matter, except that, pursuant to the provisions of Government Code section 11517, subdivision (c)(2)(C), the following technical changes are made to page one, second paragraph:

“Karen Gordon, Deputy Attorney General, Office of the Attorney General, represented complainant, Virginia Herold, Executive Officer, Board of Pharmacy, Department of Consumer Affairs, State of California.”

In addition, the following technical change is made to page two, paragraph #3:

“On December 12, 2015, complainant signed the accusation, alleging the convictions and the conduct underlying the convictions as a basis to revoke respondent’s registration.”

The technical changes made above do not affect the factual or legal basis of the Proposed Decision, which shall become effective at 5:00 p.m. on July 29, 2016.

IT IS SO ORDERED this 29<sup>th</sup> day of June, 2016.

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



By

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Amy Gutierrez, Pharm.D.  
Board President

BEFORE THE  
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DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

LETICIA AQUINO,

Pharmacy Technician Registration  
No. TCH 44850

Respondent.

Case No. 5679

OAH No. 2016010706

**PROPOSED DECISION**

Kimberly J. Belvedere, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter on April 25, 2016, in San Diego, California.

Karen Gordon, Deputy Attorney General, Office of the Attorney General, represented complainant, Virginia Herold, M.Ed., R.N., Executive Officer, Board of Pharmacy, Department of Consumer Affairs, State of California.

Respondent represented herself.

The matter was submitted on April 25, 2016.

**FACTUAL FINDINGS**

*Background*

1. On December 4, 2002, the board issued Pharmacy Technician Registration Number TCH44850 to respondent. Respondent has no prior history of discipline against her registration. The registration will expire on October 31, 2016, unless renewed.
2. On September 29, 2014, respondent was convicted of four crimes substantially related to the qualifications, functions, and duties of a pharmacy technician.

3. On January 12, 2016, complainant signed the accusation, alleging the convictions and the conduct underlying the convictions as a basis to revoke respondent's registration.

4. Respondent filed a Notice of Defense and this hearing ensued.

*September 29, 2014, Conviction*

5. On September 29, 2014, in the Superior Court of California, County of Los Angeles, respondent was convicted on her plea of nolo contendere of violating the following Penal Code sections: Section 530.5, subdivision (a), identity theft; Section 484g, subdivision (a), grand theft; and two counts of Section 530.5, subdivision (d)(1), unlawful transfer of identifying information. The convictions were all felonies.

The court placed respondent on summary probation for three years, ordered her to pay fines and fees, and required her to perform 15 days of CalTrans service. Respondent completed her CalTrans service and paid the required fines and fees. She remains on probation until September 29, 2017.

On December 4, 2014, the court reduced the felony convictions to misdemeanors pursuant to Penal Code section 17, subdivision (b).

6. A police report concerning the arrest was admitted pursuant to *Lake v. Reed* (1997) 16 Cal.4th 448.<sup>1</sup> According to the report, respondent spoke to her inmate boyfriend, who was incarcerated for being part of an identity theft ring, regarding transferring funds from a person's bank account, to respondent's personal bank account, and then to a fraudulent Capital One credit card that could be accessed by respondent's boyfriend. There were at least seven phone calls between respondent and her boyfriend regarding the \$2,500 money transfer. All phone calls were monitored by a jailhouse deputy familiar with the inmate and respondent. In one of the calls, respondent expressed concern over whether her activity would look "suspicious," but she continued with the plan. Respondent successfully transferred approximately \$5,000 from the victim's account to her personal account during

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<sup>1</sup> *Lake v. Reed* considered the admissibility of police reports in administrative proceedings under Government Code section 11513. In *Lake*, the California Supreme Court concluded that an officer's direct observations memorialized in his or her report were admissible under Evidence Code section 1280, the public employee records exception to the hearsay rule, and were sufficient to support a factual finding. The court concluded that admissions by a party memorialized in the report were admissible under Evidence Code section 1220 and were sufficient to support a factual finding. Citing Government Code section 11513, the court further concluded that other hearsay statements set forth in a police officer's report could be used to supplement or explain other evidence, but were not sufficient, by themselves, to support a factual finding unless – as with the public employees records exception to the hearsay rule and the party admission exception to the hearsay rule – the hearsay evidence would be admissible over objection in civil actions.

the course of the conspiracy. Respondent also acquired several bank account routing numbers and personal identification information for multiple innocent individuals and provided the information to her boyfriend.

Total losses to the various victims in the case amounted to \$14,775.28.

7. Respondent testified about the incident. She did not deny the fraudulent activity. Respondent testified that she felt “uncomfortable” doing what her boyfriend asked her to do, but he “assured” her that he had authorization from the account holders to transfer the money into her account. Regarding the possession of personal identification information she acquired and provided to her boyfriend, respondent testified she had “no idea” what the information was for and did not think it was wrong to provide her boyfriend with the personal identification information.

#### *Respondent's Other Evidence*

8. Respondent stated that she paid over \$5,000 in restitution<sup>2</sup> and completed her CalTrans work. Respondent maintained that she is in compliance with all terms and conditions of her probation and has not been in trouble with law enforcement except for the above-referenced conviction.

9. Respondent has worked at Rite Aid for approximately 16 years. She has been a pharmacy technician for Rite Aid for the last 14 years of her employment.

10. Respondent spoke to her supervisor about her conviction after the accusation was filed in this matter, but did not tell her supervisor the nature of the conviction. Respondent informed her supervisor that she had been “in trouble” with the court system and did not provide further details. Respondent has not been terminated from her position and her employer is unaware that she is on criminal probation.

11. Respondent testified that she has never done anything to harm patients and her whole life is being a pharmacy technician. Respondent acknowledged her responsibility for the conduct underlying her convictions, but maintained she had become “gullible and weak” because of her relationship with her boyfriend. Respondent said she would never steal, and “everyone,” including her, are in “shock” because of what happened.

12. Respondent provided five character letters from individuals familiar with respondent in the course of her employment. Generally, the letters represent respondent is an excellent pharmacy technician who is efficient and dependable in the workplace. None of the letters indicated whether the writer was aware of respondent's convictions or the conduct underlying respondent's convictions.

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<sup>2</sup> It is not known why the court did not order respondent to pay the full \$14,775.28 in restitution.

13. Respondent submitted a letter to the board explaining her convictions. She wrote, in part:

I know I made a huge mistake, I am disappointed in myself for what happened with the case and because of that I could lose my technician license. I was stupid/gullible, I believed this man...the person I was on the case with, was an ex who I no longer have any contact with. Manuel asked me to take money out of a credit card that was not his, he said that the owner of the card was in jail with him and give his consent in him withdrawing the money. I did as I was told to find out that it was a lie. . . .

#### *Costs of Investigation and Enforcement*

14. Business and Professions Code section 125.3 authorizes complainant to seek recovery of the reasonable costs of its investigation and enforcement in disciplinary matters. Complainant submitted two separate certifications of costs for work performed by complainant and Office of the Attorney General. The certification of costs submitted regarding the investigation costs showed that complainant spent \$25 obtaining the certified arrests records in this matter. The certification of costs for work performed by the Department of Justice in this matter established that the Department of Justice billed \$2,387.50 to prepare and prosecute the case to conclusion.

15. The certifications satisfied the requirements of California Code of Regulations, title 1, section 1042, subdivision (b), and the certification supports a finding that the total costs in the amount of \$2,412.50 are reasonable in both the nature and extent of the work performed.

16. Respondent did not object to the amount of the costs, nor did she provide any testimony regarding her ability to pay the costs.

### LEGAL CONCLUSIONS

#### *Burden and Standard of Proof*

1. In proceedings to revoke professional licenses, the clear and convincing evidence standard of proof applies; the preponderance of the evidence standard of proof applies in proceedings to revoke nonprofessional or occupational licenses.<sup>3</sup>

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<sup>3</sup> The sharp distinction between professional licenses and nonprofessional licenses supports the distinction in the standards of proof. Because a professional license represents the fulfillment of extensive educational, training and testing requirements, a licensee has an extremely strong interest in retaining the license that he or she has expended so much effort

2. The phrase “preponderance of evidence” is usually defined in terms of probability of truth, e.g., “such evidence as, when weighed with that opposed to it, has more convincing force and the greater probability of truth” and “more likely true than not true.” Otherwise stated, a preponderance calls for probability, while clear and convincing proof demands a high probability. (*Utility Consumers’ Action Network v. Public Utilities Commission of the State of California* (2010) 187 Cal.App.4th 688, 698-699.)

3. Complainant has the burden of proving the charging allegations by a preponderance of the evidence. The preponderance of the evidence standard applies in this proceeding because a pharmacy technician registration is a nonprofessional/occupational license. However, the application of the preponderance of the evidence standard is not critical to the outcome in this matter because the same conclusions would be reached even if the clear and convincing evidence standard were applied.

#### *Applicable Law*

4. The board is authorized to impose discipline against a registration if respondent has been convicted of a crime and the crime is substantially related to the qualifications, functions, or duties of a pharmacy technician. (Bus. & Prof. Code, § 490.)

5. A crime or act is substantially related to the qualifications, functions, or duties of the pharmacy technician if, to a substantial degree, it evidences present or potential unfitness to perform the functions of a pharmacy technician in a manner consistent with the public health, safety, or welfare. (Bus. & Prof. Code, § 4301, subd. (l); Cal. Code Regs., tit. 16, § 1770.)

6. The record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of a pharmacy technician. (Bus. & Prof. Code, §§ 493, 4301, subd. (l).)

7. Business and Professions Code section 4301 provides in part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

(a) Gross immorality.

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to obtain. The same cannot be said for a licensee’s interest in retaining a nonprofessional license even though an applicant for an occupational (as opposed to a professional) license is required complete certain coursework and pass an examination. (*Lone Star Sec. & Video, Inc. v. Bureau of Security and Investigative Services* (2012) 209 Cal.App.4th 445, 453-454.)

[¶] . . . [¶]

(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 [pharmacy technician].

8. It is not necessary for the misconduct to have occurred in the actual practice of the profession. (*Harrington v. Dept. of Real Estate* (1989) 214 Cal.App.3d 394, 402.)

*Cause Exists to Impose Discipline Against Respondent's Registration*

9. Cause exists to impose discipline against respondent's pharmacy technician registration pursuant to Business and Professions Code sections 490 and 4301, subs. (a), (f), and (l). Respondent was committed of multiple identity theft-related crimes that constitute gross immorality, moral turpitude, dishonesty, fraud, and deceit. The acts are substantially related to the qualifications, functions, and duties of a pharmacy technician, who is expected to always conduct him or herself with honesty and exercise good judgment.

*Rehabilitation and Disciplinary Guidelines*

10. The board has enacted disciplinary guidelines for consideration as to the appropriate level of discipline to be imposed. (Disciplinary Guidelines, Rev. 10/2007.) The guidelines are incorporated by reference into California Code of Regulations, title 16, section 1760. For a violation of Business and Professions Code section 4301, subdivisions (a), (l), and (m), the minimum discipline is revocation, stayed, for three years with terms and conditions of probation. The maximum discipline is revocation.

11. California Code of Regulations, title 16, section 1769, provides the following factors to be considered by the board in determining whether a respondent has been rehabilitated: Nature and severity of the act(s) or offense(s); total criminal record; time that has elapsed since commission of the act(s) or offense(s); whether the registrant has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed; evidence, if any, of rehabilitation submitted by the licensee.

*Respondent did not Establish Sufficient Rehabilitation*

12. Rehabilitation is a state of mind, and the law looks with favor upon rewarding with the opportunity to serve, one who has achieved reformation and regeneration. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1058.) Fully acknowledging the wrongfulness of past

actions is an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933, 940.) Although respondent acknowledged the acts that constituted the criminal offense, she asserted that she did not know she was doing anything wrong and painted herself out to be a victim of her boyfriend. Given the multiple times that respondent transferred funds from the account of a person she did not know to an account that her inmate boyfriend could access – in addition to providing her boyfriend with personal identifying information of strangers – respondent’s claim that she did not know she was engaging in a criminal act is simply not credible. To the extent she did not understand she was engaged in wrongdoing, negligence of this sort is inexcusable.

Moreover, given the nature and severity of the underlying crimes coupled with the fact that respondent is still on criminal probation, not enough time has passed to establish sufficient rehabilitation. Although respondent has made some strides in rectifying her wrongdoing and is in compliance with her probation, good behavior is normally expected of someone who is on probation. (*In re Gossage* (2000) 23 Cal.4th 1080, 1099.) A truer indication of rehabilitation, however, is presented when an individual demonstrates sustained conduct over an extended period of time that he or she is once again fit to practice. (*In re Menna* (1995) 11 Cal.4th 975, 991.)

Finally, even though the favorable references are entitled to some weight, character letters are not conclusive of rehabilitation. (*Tardiff v. State Bar* (1980) 27 Cal.3d 395, 404; *Roth v. State Bar* (1953) 40 Cal.2d 307, 315.) Character letters are also of little value when they do not address the current character of a respondent in light of the past misconduct. (*Pacheco, supra*, p. 1053.) None of the character letters submitted by respondent contained information that the author was aware of respondent’s convictions.

Respondent has spent virtually her entire professional life as a pharmacy technician with an unblemished record. Nonetheless, the dishonest and fraudulent nature of the crimes for which she was convicted require revocation of her registration as a pharmacy technician in order to protect the public.

#### *Costs of Investigation and Enforcement*

13. Business and Professions Code section 125.3, subdivision (a), authorizes an administrative law judge to direct a licensee who has violated the applicable licensing act to pay a sum not to exceed the reasonable costs of investigation and prosecution. The reasonable costs in this matter were \$2,412.50.

14. In *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, 45, the California Supreme Court set forth five factors to be considered in determining whether a particular licensee should be ordered to pay the reasonable costs of investigation and prosecution under statutes like Business and Professions Code section 125.3. Those factors are: Whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee’s subjective good faith belief in the merits of his or her position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial



ability of the licensee to pay, and whether the scope of the investigation was appropriate in light of the alleged misconduct. (*Ibid.*)

15. Applying the *Zuckerman* factors to this case leads to the following conclusions: Respondent was not successful in getting any of the charges dismissed or reduced; although she exhibited a subjective good faith belief in the merits of her position her belief was incorrect; respondent did not raise a colorable challenge to the proposed discipline; the scope of the investigation was appropriate in light of the alleged misconduct; and respondent lacks the ability to pay costs because her ability to do so depends on her continued employment as a pharmacy technician.

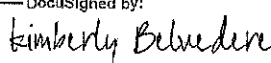
16. In light of the revocation of respondent's license, she will not be ordered to pay costs at this time. Should respondent petition for her license to be reinstated, and should the board grant her petition, the board may order her to pay the \$2,412.50 in costs as a condition of reinstatement.

#### ORDER

Pharmacy Technician Registration No. TCH 44850 issued to respondent Leticia Aquino is revoked. Respondent shall relinquish her technician license to the board within ten (10) days of the effective date of this decision. Respondent may not reapply or petition the board for reinstatement of his or her revoked technician license for three (3) years from the effective date of this decision.

If respondent petitions to have her license reinstated, and if the board grants her petition, the board may order her to pay the \$2,412.50 in costs as a condition of reinstatement. If the board does that, the board, must determine whether a payment schedule is necessary so that respondent can pay the costs.

DATED: May 16, 2016

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KIMBERLY J. BELVEDERE  
Administrative Law Judge  
Office of Administrative Hearings

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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 Accusation Against:

Case No. 5679

13 **LETICIA AQUINO**  
2513 W. Pendleton Avenue  
14 Santa Ana, CA 92704

**ACCUSATION**

15 Pharmacy Technician Registration  
16 No. TCH 44850

Respondent.

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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about December 4, 2002, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 44850 to Leticia Aquino (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on October 31, 2016, unless renewed.

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## JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, 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 "Every 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 PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under Section 480; or
- (b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of 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, and the board may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related  
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"  
4 and "registration."

5 9. Section 4301 of the Code states:

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

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

13 (l) The conviction of a crime substantially related to the qualifications,  
14 functions, and duties of a licensee under this chapter. The record of conviction of a  
15 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
16 States Code regulating controlled substances or of a violation of the statutes of this  
17 state regulating controlled substances or dangerous drugs shall be conclusive  
18 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
19 be conclusive evidence only of the fact that the conviction occurred. The board may  
20 inquire into the circumstances surrounding the commission of the crime, in order to  
21 fix the degree of discipline or, in the case of a conviction not involving controlled  
22 substances or dangerous drugs, to determine if the conviction is of an offense  
23 substantially related to the qualifications, functions, and duties of a licensee under this  
24 chapter. A plea or verdict of guilty or a conviction following a plea of nolo  
25 contendere is deemed to be a conviction within the meaning of this provision. The  
26 board may take action when the time for appeal has elapsed, or the judgment of  
27 conviction has been affirmed on appeal or when an order granting probation is made  
28 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 PROVISIONS

10. California Code of Regulations, title 16, section 1769, subdivision (b) states:

(b) When considering the suspension or revocation of a facility or a personal  
license on the ground that the licensee or the registrant has been convicted of a crime,  
the board, in evaluating the rehabilitation of such person and his present eligibility for  
a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

1 (3) The time that has elapsed since commission of the act(s) or offense(s).

2 (4) Whether the licensee has complied with all terms of parole, probation,  
3 restitution or any other sanctions lawfully imposed against the licensee.

4 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

6 For the purpose of denial, suspension, or revocation of a personal or facility  
7 license pursuant to Division 1.5 (commencing with Section 475) of the Business and  
8 Professions Code, a crime or act shall be considered substantially related to the  
9 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.

10 **COSTS**

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

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(September 29, 2014 Criminal Convictions for Identity Theft, Grand Theft &**  
19 **Unlawful Transfer of Identifying Information)**

20 13. Respondent has subjected her registration to discipline under sections 490 and 4301,  
21 subdivision (l) of the Code in that she was convicted of crimes that are substantially related to the  
22 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

23 a. On or about September 29, 2014, in a criminal proceeding entitled *People of the*  
24 *State of California v. Leticia Aquino, et al.*, in Los Angeles County Superior Court, case number  
25 BA428153, Respondent was convicted on her plea of nolo contendere to violating Penal Code  
26 section 530.5, subdivision (a), identity theft; Penal Code section 484g(a), grand theft; and two  
27 counts of violating Penal Code section 530.5, subdivision (d)(1), unlawful transfer of identifying  
28 information, felonies. In exchange for Respondent's plea, the court dismissed an additional count

1 of identify theft (Pen. Code, § 530.5(a)), a felony.

2 b. As a result of the convictions, on December 4, 2014, the court reduced the  
3 felony charges to misdemeanors pursuant to Penal Code section 17(b). As to each count,  
4 Respondent was granted summary probation for 36 months, and ordered to perform 15 days of  
5 CalTrans service, to be served concurrently. Respondent was ordered to pay fees and fines, and  
6 comply with probation terms.

7 c. The facts that led to the convictions are that on or about August 30, 2013, a  
8 male inmate at the Los Angeles County Jail was recorded speaking to Respondent, one of the  
9 inmate's two girlfriends. The inmate and various accomplices were part of a large-scale identity  
10 theft ring wherein credit cards were fraudulently obtained. The inmate used Respondent to  
11 withdraw cash from one of the credit card accounts and deposit it into her personal checking  
12 account. Respondent would then transfer money to the inmate's jail accounts. Respondent told a  
13 Los Angeles County Sheriff's Department detective that she was the inmate's fiancée; they met  
14 through a mutual friend who was also incarcerated. On the inmate's instructions, she withdrew  
15 cash from the credit card six or seven times in various amounts, and deposited it into her personal  
16 account so that the inmate could have money when he was released from jail.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud or Deceit)**

19 14. Respondent has subjected her registration to discipline under section 4301,  
20 subdivisions (a) and (f) of the Code for unprofessional conduct in that her conduct, as described  
21 in paragraph 13 above, involved moral turpitude, dishonesty, fraud and/or deceit.

22 **PRAYER**

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

25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 44850,  
26 issued to Leticia Aquino;

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2. Ordering Leticia Aquino to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 12/22/15 Virginia Herold

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

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