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

11 In the Matter of the Accusation Against:

Case No. 5164

12 **AARON NUQUI**  
13 **70 Oaklawn Drive, Apt. 18**  
14 **Daly City, CA 94015**

**A C C U S A T I O N**

15 **Pharmacy Technician Registration**  
**No. TCH 124310**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about July 5, 2012, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 124310 to Aaron Nuqui (Respondent). The Pharmacy Technician  
24 Registration expired on February 28, 2014, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.



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"(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.

...

"(j) The violation of any of the statutes of this state, of any other state, or of the United States regulating controlled substances and dangerous drugs."

7. Section 4059 of the Code states, in pertinent part:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7...."

8. Section 4060 of the Code states, in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7...."

COST RECOVERY PROVISION

9. Section 125.3 of the Code states, in pertinent part, 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.

DRUG

10. The drug combination of promethazine and codeine is a Schedule V controlled substance under Health and Safety Code section 11058, and a dangerous drug under Business and Professions Code section 4022.

FACTUAL BACKGROUND

11. From on or about August 6, 2012, to on or about July 5, 2013, Respondent stole or pilfered numerous 16-ounce bottles of promethazine with codeine cough syrup while working as a

1 pharmacy technician at three Walgreens pharmacies in San Francisco. He admitted to the  
2 following thefts:

- 3 • at least 15 bottles from the Walgreens on Market Street at 4<sup>th</sup> Street;
  - 4 • at least 3 bottles from the Walgreens on Market Street at 9<sup>th</sup> Street; and
  - 5 • at least 3 bottles from the Walgreens on Market Street at Stockton Street.
- 6 12. Respondent sold the cough syrup to friends at \$100 for each bottle.

7 FIRST CAUSE FOR DISCIPLINE  
8 (Unprofessional Conduct: Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)  
9 (Bus. & Prof. Code, § 4301, subd. (f))

10 13. Respondent has subjected his pharmacy technician registration to discipline because he  
11 engaged in unprofessional conduct by committed an act of moral turpitude, dishonesty, fraud,  
12 deceit, or corruption (Bus. & Prof. Code, § 4301, subd. (f)). The circumstances are described in  
13 paragraphs 11 and 12, above.

14 SECOND CAUSE FOR DISCIPLINE  
15 (Violation of Statutes Regulating Controlled Substances or Dangerous Drugs)  
16 (Bus. & Prof. Code, §§ 4301, subd. (j); 4059, subd. (a); and 4060)

17 14. Respondent has subjected his pharmacy technician registration to discipline because he  
18 violated state statutes regulating controlled substances or dangerous drugs (Bus. & Prof. Code,  
19 §§ 4301, subd. (j)). He furnished dangerous drugs without a prescription (Bus. & Prof. Code, §  
20 4059, subd. (a)), and he possessed controlled substances without a prescription (Bus. & Prof.  
21 Code, § 4060). The circumstances are described in paragraphs 11 and 12, above.

22 PRAYER

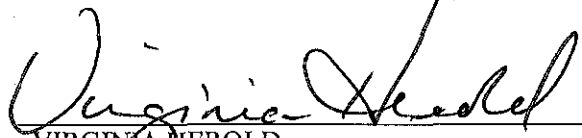
23 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
24 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

- 25 1. Revoking or suspending Pharmacy Technician Registration Number TCH 124310,  
26 issued to Aaron Nuqui;
- 27 2. Ordering Aaron Nuqui to pay the Board of Pharmacy the reasonable costs of the  
28 investigation and enforcement of this case, pursuant to Business and Professions Code section  
125.3;

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

DATED: 8/31/15



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

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