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

10 In the Matter of the Accusation Against:

Case No. 6094

11 **JORGE ALDANA**
12 **5162 Florence Ave.. #44**
13 **Bell, CA 90201**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **146615**

Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 19, 2015, the Board issued Pharmacy Technician Registration
22 Number TCH 146615 to Jorge Aldana (Respondent). The Pharmacy Technician Registration
23 expired on August 31, 2016, has not been renewed, and has been cancelled.

24 **JURISDICTION**

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

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1 **STATUTORY PROVISIONS**

2 4. Under Section 4300, the Board may discipline any license, for any reason provided in
3 the Pharmacy Law (i.e., Sections 4000 et. seq.).

4 5. Section 4300.1 states that:

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

11 6. Section 4301 states, in pertinent part:

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

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

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20 (p) Actions or conduct that would have warranted denial of a license.

21 **COST RECOVERY**

22 7. Section 125.3 states, in pertinent part, that the Board may request the administrative
23 law judge to direct a licentiate found to have committed a violation or violations of the licensing
24 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
25 case.

26 **FIRST CAUSE FOR DISCIPLINE**

27 **(Unprofessional Conduct)**

28 8. Respondent is subject to disciplinary action under Section 4301, in that Respondent
engaged in unprofessional conduct, as described below:

9. Between April 30, 2013 and January 31, 2014, Respondent committed lewd or
lascivious acts against two children when they were 14 years of age or younger. On or about

1 April 29, 2016, sheriff's deputies from the County of Los Angeles Sheriff's Department
2 interviewed the older sister (A.T.) of the two female victims.¹ A.T. stated that Respondent is her
3 ex-boyfriend and that, on or about April 26, 2016, a psychologist told A.T. that Respondent had
4 sexually abused Victim 1. When A.T. confronted Respondent about the incident, Respondent
5 told her that he went to Victim 1's room and touched her because he thought Victim 1 was
6 "coming on to him". A.T. immediately broke up with Respondent on April 26, 2016.
7 Furthermore, she did not know that Respondent had also sexually abused her other sister, Victim
8 2, until Victim 2 told her today (April 29, 2016) that Respondent had sexually abused her.

9 10. On or about April 29, 2016, sheriff's deputies also separately interviewed Victim 1,
10 who stated that, between April 30, 2013 and January 31, 2014, Respondent sexually abused her
11 approximately four times. Victim 1 said she was sleeping in her bedroom and woke up when she
12 felt someone touching/rubbing her vagina with his fingers through the bedsheets. Victim 1
13 opened her eyes and saw Respondent next to her bed. Victim 1 was startled and pretended to
14 sleep. She then rolled over on her side and Respondent exited the room. Approximately one
15 month after the first incident, Victim 1 was sleeping in her bed and felt someone touching her
16 vagina through the bedsheets covering her vagina. Victim 1 saw Respondent next to her bed,
17 kneeling on the floor, with his upper body leaned against her body. Victim 1 rolled away from
18 Respondent and he walked away and left her room. On two more occasions, Respondent touched
19 Victim 1's vagina in a similar manner to the first two incidents, while she was sleeping in her
20 bed. In addition, on four other occasions, Victim 1 saw Respondent in her bedroom, but she did
21 not know if he touched her on those occasions. Victim was afraid to tell her family. However, on
22 April 26, 2016, Victim 1 told a therapist about the incidents involving Respondent. Victim 1 did
23 not know Respondent also sexually abused her sister (Victim 2) until today (April 29, 2016).

24 11. On or about April 29, 2016, sheriff's deputies separately interviewed Victim 2, who
25 stated that, between April 30, 2013 and January 31, 2014, she had been sexually abused by
26 Respondent, who came into her bedroom while she was sleeping and touched her chest through

27 ¹ The names of the witness and victims are not used in order to protect their privacy, but
28 are known to Respondent.

1 her outer clothing. Respondent then directly touched her vagina by sliding his hand down Victim
2 2's pajama pants. Respondent rubbed Victim 2's vagina with his fingers and the palm of his
3 hand. Victim 2 was scared and pretended she was asleep. On another occasion, Respondent
4 entered her bedroom and rubbed her vagina for approximately ten minutes; there was no skin to
5 skin contact, and he did not insert his finger into her vagina. Victim 2 was too scared to tell
6 anyone until today (April 29, 2016). When Victim 2 heard Victim 1 tell the family about
7 Respondent's sexual abuse of Victim 1, Victim 2 felt comfortable enough to also disclose
8 Respondent's sexual abuse of her to her family.

9 12. On or about May 9, 2016, the detective interviewed Respondent about the allegations,
10 in the presence of his attorney and his attorney's investigating officer. Respondent stated he had
11 been in a relationship with A.T. for more than 15 years. He admitted he made some mistakes and
12 it was wrong and inappropriate to rub Victim 1's vagina area over the sheets. Respondent stated
13 he rubbed Victim 1's vaginal area on two separate occasions. Moreover, Respondent admitted he
14 made the same mistakes with Victim 2, and also rubbed Victim 2's vaginal area over the sheets,
15 on two separate occasions. Respondent said it was wrong to rub Victim 2's vaginal area. The
16 detective explained that Victim 2 told him Respondent had touched and squeezed Victim 2's
17 breasts and rubbed her vagina under the sheets, skin to skin, on multiple occasions. Respondent
18 stated he had touched Victim 2, skin to skin, and squeezed her breasts. Respondent denied
19 touching Victim 2's vagina and breasts under the sheets, but admitted he touched Victim 2 in the
20 same way as Victim 1, over the sheets, on two separate occasions. Respondent admitted what he
21 did was wrong.

22 13. On or about May 27, 2016, a detective from the County of Los Angeles Sheriff's
23 Department drove to a high school in Cerritos and re-interviewed Victims 1 and 2. Respondent
24 was Victim 1's sister's boyfriend, who had lived with her family off and on for several years,
25 since the time she was an infant. Just after her 14th birthday in April or May of 2013, when she
26 was fourteen years old, she was lying in bed asleep and felt someone touching her legs and vagina
27 over the sheets and bedding. Victim 1 was in shock and pretended she was asleep. Victim 1
28 rolled over in her bed to startle Respondent and get him to stop rubbing her vagina. Respondent

1 stopped touching her vagina and walked out of her room. Over the next year, Respondent came
2 to her room around four different times, kneeled by her bed and rubbed her vagina and body over
3 the sheets. Victim 1 would roll over to get Respondent to stop touching her. Victim 1 was very
4 concerned and thought there may have been more times she was unaware of when Respondent
5 sexually touched her, because she was a very heavy sleeper. Victim 1 indicated she told her older
6 sister (A.T.) about the sexual abuse when she was 15 years old, who asked Respondent to move
7 out. She kept the sexual abuse a secret from the rest of the family. A.T. began to date
8 Respondent again. Victim 1 met with a counselor to discuss some other issues and disclosed
9 Respondent's sexual abuse of her to the counselor, who reported the sexual abuse to Victim 1's
10 mother. Victim 1's mother took her and her sister (Victim 2) to the police department to report
11 the abuse. Victim 2 was in the backseat, and revealed that she too had been sexually abused by
12 Respondent.

13 14. On or about May 27, 2016, the same detective separately re-interviewed Victim 2. In
14 2013, Victim 2 stated that when she was 11 or 12 years old, Respondent stood over her while she
15 was sleeping, and touched her breasts and vagina area over the sheets. There were other incidents
16 that occurred where Respondent would come into her room and put his hand underneath the
17 sheets and touch her breasts and vagina directly. Victim 2 stated that Respondent touched her
18 vagina on 3-4 different times when she was 12 years old; 3-4 different times when she was 13
19 years old; and 2 different times when she was 14 years old. Victim 2 was scared to tell anyone
20 about these incidents. However, when she found out that Respondent had sexually touched
21 Victim 1, Victim 2 decided to tell the truth.

22 15. On or about July 1, 2016, a criminal case was filed against Respondent in the
23 Superior Court of California, County of Los Angeles, Bellflower Courthouse, Case No. LC VA
24 142285-01, *People v. Jorge Alberto Aldana*, in which Respondent was charged with three counts
25 of violating Penal Code sections 288(C)(1) [two counts – lewd or lascivious act with a minor
26 aged 14 or 15 years old] and Penal Code section 288.5(A) [one count - continuous sexual abuse
27 of a child].

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