

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

In the Matter of the Accusation
Against:

ALICIA MICHELLE CASTILLO,

Pharmacy Technician Registration
No. TCH 130425

Respondent.

Case No. 5597

OAH No. 2016100347

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 June 22, 2017.

It is so ORDERED on May 23, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

BEFORE THE
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DEPARTMENT OF CONSUMER AFFAIRS
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In the Matter of the Accusation Against:

ALICIA MICHELLE CASTILLO,

Pharmacy Technician Registration
No. TCH 130425,

Respondent.

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PROPOSED DECISION

Jennifer M. Russell, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter in Los Angeles, California on March 30, 2017. The matter was submitted for decision the same day.

Morgan McCall, Deputy Attorney General, represented complainant Virginia Herold, Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs. Respondent Alicia Michelle Castillo represented herself.

Complainant seeks to discipline respondent's pharmacy technician registration on grounds that respondent engaged in acts involving moral turpitude, dishonesty, fraud, deceit, or corruption, which acts have resulted in respondent's conviction for misdemeanor crimes substantially related to the qualifications, functions, or duties of a registrant. Respondent does not dispute her misdemeanor convictions, and she offers evidence of mitigation and rehabilitation. The Administrative Law Judge makes the following Factual Findings, Legal Conclusions, and Order revoking respondent's registration.

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FACTUAL FINDINGS

1. Complainant made the Accusation while acting in her official capacity.

2. On March 27, 2013, the Board issued Pharmacy Technician Registration number TCH 130425 to respondent. The registration was in full force and effect at all relevant times, and it expires December 31, 2018, unless renewed.

Cause for Discipline

3a. On July 5, 2014, officers from the Los Angeles Sheriff's Department were dispatched to a convenience liquor store regarding an incident involving an injured man. Upon arrival at the location, the officers observed an intoxicated man bleeding from his nose and mouth. The officers watched a surveillance video of the incident and memorialized their observations in an Incident Report as follows:

In the video, I saw 2 male[s] . . . (one later identified as [respondent's boyfriend] and the second who was wearing a red hat, red shirt, gray sweat pants, and black shoes) and 1 female . . . (later identified as [respondent]) standing in front of the counter at the liquor store near the victim. The male . . . in the red shirt punched the victim in the head which caused the victim to fall to the floor. [Respondent] then punched the victim repeatedly in the head while he was on the ground. The male . . . wearing red kicked the victim in the ribs with a shod foot and [respondent's boyfriend] kicked the victim in the head with a shod foot numerous times. All suspects walked away from the victim for approximately 8 seconds. [Respondent] then walked back over to the victim and held him down on the ground with both hands while [respondent's boyfriend] kicked the victim in the torso approximately 3 times with a shod foot.

(Exh. 5 at p. AG 0050.)

3b. On July 18, 2014, in the Superior Court of California, County of Los Angeles, in case number MA063514, respondent was convicted, on her nolo contendere plea, of violating Penal Code section 245, subdivision (a) (4) (assault by means to produce great bodily injury), a misdemeanor. The court found a factual basis for respondent's plea. At an October 28, 2014 sentencing hearing, the court sentenced respondent to, among other things, serve 161 days in Los Angeles County Jail with credit given for 161 days in custody, 81 days actual custody and 80 days good time/work time.

4a. On July 23, 2014, officers from the Los Angeles Sheriff's Department responded to call reporting that respondent threatened L.V. with violence.

4b. On October 28, 2014, in the Superior Court of California, County of Los Angeles, in case number MA063812, respondent was convicted, on her nolo contendere plea, of violating Penal Code section 646.9, subdivision (a) (stalking/malicious harassment), a

felony. The court found a factual basis for respondent plea. The court sentenced respondent to three years in state prison, suspended execution of sentence, and placed respondent on five years' formal probation with terms and conditions that, among other things, prohibit respondent from using force or violence against anyone and require respondent to comply with the terms of a protective order.

5. The Board's expert witness—a licensed pharmacist knowledgeable about the operations of pharmacies—provided testimony establishing that pharmacy technicians perform “non-discretionary tasks,” including pulling medications from shelves, labeling, entering confidential information into a computer, and interacting with patients. The Board's expert testified that “trust is important” and maintained that respondent's convictions are substantially related to the qualifications, functions, and duties of a registrant because pharmacy technicians are at times alone in the pharmacy, have access to confidential information, and handle controlled substances.

Factors in Aggravation, Mitigation, and Rehabilitation

6. At the administrative hearing, complainant offered a December 28, 2012 letter and an undated letter, both of which bear respondent's signature, and both of which address respondent's disclosure of a 2009 misdemeanor conviction in connection with her violation of Penal Code section 32 (accessory after the fact) when she initially applied to the Board for licensure as a pharmacy technician. (Exh. 8.) Complainant alleges the 2009 misdemeanor conviction and the circumstances from which it arose as “Discipline Considerations” in the Accusation. (Exh. 1 at p. AG 0008.) Complainant offered no certified court records in connection with the 2009 misdemeanor conviction at the administrative hearing.

7. Respondent is a high school graduate who earned a pharmacy technician certificate from Charter College. Respondent's employment history includes a clerk position at Rite Aid Pharmacy handling the front register and a janitor position at West Hills Hospital. While pursuing her certification at Charter College, respondent volunteered at the pharmacy at West Hills Hospital and she obtained an offer of employment as a pharmacy technician, which was withdrawn after her convictions set forth in Factual Findings 3b and 4b. Currently, respondent serves as the part-time In-Home Supportive Service (IHSS) worker for her step-uncle.

8a. At the administrative hearing, respondent addressed her criminal record as follows: In 2009, she was an 18-year-old exiting the foster care system with two children. She was at her mother's residence when law enforcement officers arrived at the residence searching for her estranged brother who was on parole. She believed that her brother had left the residence and told the officers that he was not present. The officers searched the residence and found respondent's brother hiding in a bathroom without her knowledge. Respondent testified, “They thought I was lying when I said he wasn't in the house.”

8b. With respect to her assault conviction set forth in Factual Finding 3b, respondent explained that she and her son's father—her boyfriend—drove to a convenience

liquor store, and that they left the car windows open when they entered the store. Her boyfriend left his mobile phone in the vehicle and he believed that a homeless man stole the phone from the vehicle. Her boyfriend, who is a boxer, became irate. Respondent testified, "The surveillance video shows me hitting him, he fell, [and] I hit him again. . . . It is not correct that I held him while my son's father continued to hit him and kick him. I pushed my son's father to stop. I do have fault for what I did. . . . I did feel threatened. I couldn't believe that I did it. A lot of things was [sic] going on at the time—my mother died."

8c. With respect to her stalking/malicious harassment conviction set forth in Factual Finding 4b, respondent explained that she was in a relationship with L.V.'s husband, and that L.V. "kept calling his phone and my phone." According to respondent, L.V. knew she "was out on bond" in connection with the assault conviction set forth in Factual Finding 3b, so L.V. claimed that she was threatened. Respondent intimated that L.V. asserted the claim to create a risk that respondent would be subjected to a lengthy period of incarceration and in turn loose custody of her children, including a three-month-old son. Respondent testified, "I never threatened to kill her. . . . Words were exchanged, I may have been argumentative, but there was no threat to kill."

9. Respondent maintained, "I am not contesting that I got convicted. I just made a wrong choice in my life. . . . I'm trying to get my life back. . . . I called the Board; I informed them about the felony. . . . Those two prior cases involve a lack of judgment. . . . I have learned my lessons. I moved far away from that city [and] gained custody of my kids back. I am going to school for registered nursing. Maybe I can put them two [the pharmacy technician registration and the registered nursing license] together. . . . I'm not a violent person. I'm truthful. . . . I'm a good person. I have five children. . . . It hurts to say I'm a threat. . . . I have rehabilitated myself. Three days per week I'm at school. Three to four days, I'm at work. I volunteer at my son's school. I'm involved with working with disabled children. I would never hurt anyone." Respondent testified she was recently rejected from "really good jobs," including "a position to input pharmacy data." Respondent regards being a pharmacy technician as a passion, not just a job. She testified, "I truly love it."

10. In a hand-written letter addressed to "To whom it may concern" and dated April 1, 2015, a psychologist recommending respondent for "her new position," states that respondent "is not dangerous to others," that respondent "is a hard worker who is . . . dependable," and that respondent "get along well with others and she handles conflict appropriately." (Ex. A.) The new position for which the letter was written was neither explicated in the letter or at the administrative hearing. The timing of the April 1, 2015 letter suggests that it was written in connection with respondent's position as an IHSS worker for her uncle. (See Factual Finding 7.)

11. Respondent's probation officer states in a September 14, 2016 letter addressed to "To whom it may concern" that respondent has "completed a 26 week anger management program, as ordered by the court. Additionally, [respondent] reports monthly as directed and makes regular payments towards her financial obligation." (Ex. A.) The probation officer's

letter further states that respondent “has not sustained any new arrests and has a positive attitude and outlook, despite some difficult personal circumstances.” (Ex. A.)

12. The director of The Reason Group, Inc. outlines in a March 29, 2017 “To whom it may concern” letter the following action on behalf of respondent: “We are in the process of helping her with the expungement of this case with the intention of obtaining a Certificate of Rehabilitation. When granted the court order will automatically go to the Governor’s Office for consideration for a pardon[.]” (Ex. B.)

Costs of Investigation and Prosecution

13. The Board incurred investigation and prosecution costs in the amount of \$5,280. These costs are reasonable pursuant to Business and Professions Code section 125.3.

14. Although respondent has part-time employment, no evidence regarding her financial ability to pay a cost award was presented at the administrative hearing.

LEGAL CONCLUSIONS

1. Business and Professions Code section 4038 provides that a “[p]harmacy technician” means an individual who assists a pharmacist in a pharmacy in the performance of his or her pharmacy related duties, as specified in Section 4115.” Among other things, pharmacists order, furnish, dispense, and administer drug therapies. (See e.g. Bus. & Prof. Code, §§ 4052, 4052.1, 4052.2, 4052.3, 4052.5, and 4052.7.) Only a pharmacist may perform such tasks as receiving new oral prescriptions, evaluating and interpreting prescriptions, interpreting a patient’s medication records, and consulting with prescribing physicians. (Cal. Code Regs., tit. 16, § 1793.1.)

2a. By contrast, a pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks, only while assisting, and while under the direct supervision and control of, a pharmacist. (See Bus. & Prof. Code, § 4115, subd. (a); Cal. Code Regs., tit. 16, § 1793.) A pharmacy technician’s nondiscretionary tasks may be limited to removing a drug or drugs from stock; (b) counting, pouring, or mixing pharmaceuticals; (c) placing the product into a container; (d) affixing the label or labels to the container; and (e) packaging and repackaging. (See Cal. Code Regs., tit. 16, § 1793.2.) A pharmacy technician is not authorized to perform any act requiring the exercise of professional judgment by a pharmacist. (See Bus. & Prof. Code, § 4115, subd. (c); Cal. Code Regs., tit. 16, § 1793.)

2b. To become a pharmacy technician requires the completion of a 240-hour course providing instructions on the duties and responsibilities of a pharmacy technician in relationship to other pharmacy personnel and knowledge of standards and ethics, laws and regulations governing the practice of pharmacy. (See Cal. Code Regs., tit. 16, § 1793.6.)

3. Becoming a pharmacy technician does not require the rigorous education, training, or testing necessary for professional licensure. Therefore, in an administrative proceeding to discipline a pharmacy technician registration, the applicable standard of proof is a preponderance of evidence. (See *Imports Performance v. Department of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911; *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

A preponderance of the evidence standard is usually defined in terms of “probability of truth,” for example, as evidence that, “when weighed with that opposed to it, has more convincing force and the greater probability of truth.” (*Leslie G. v. Perry & Associates* (1996) 43 Cal.App.4th 472, 482-483.) In deciding whether a party has met his or her burden of proof, courts consider both direct and circumstantial evidence, and all reasonable inferences to be drawn from both kinds of evidence, giving full consideration to the negative and affirmative inferences to be drawn from all of the evidence, including that which has been produced by the opposing party. (*Id.*)

4. Business and Professions Code section 4300, subdivision (a), provides, “[e]very license issued may be suspended or revoked.”

5. Business and Professions Code section 4301 provides, in pertinent part, the following:

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: [¶] . . . [¶]

(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 [the Pharmacy Law]. . . . [T]he 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 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

6. California Code of Regulations, title 16, section 1770 provides that “a crime or act shall be considered to be substantially related to the qualifications, functions, or duties of a licensee if to a substantial degree it evidences present or potential unfitness to perform the functions authorized by the license in a manner consistent with the public health, safety, and welfare.”

7. Trustworthiness is one of the many qualifications necessary for discharging the functions and duties of a pharmacy technician. (See Factual Finding 5.) Care and compassion for consumers of the goods and services offered in the occupations and professions comprising the healing arts are additional necessary qualifications. Consequently, acts causing harm to others are evidence of unfitness to perform licensed functions consistent with public health, safety and welfare. As set forth in Factual Findings 3a and 4a, respondent assaulted a member of the public. She repeatedly punched a man's head while he was down on the ground. She restrained the man to permit her boyfriend to kick him. Respondent threatened L.V. with violence. Respondent's conduct and resulting convictions for assault and stalking/malicious harassment evince respondent's present and potential unfitness to perform the functions authorized by her registration in a manner consistent with public health, safety, and welfare.

8. With respect to the First Cause for Discipline alleged in the Accusation, complainant established by a preponderance of evidence that cause exists to discipline Pharmacy Technician Registration number TCH 130425 pursuant to Business and Professions Code sections 4300 and 4301, subdivision (l), and California Code of Regulations, title 16, section 1770, in that, on October 28, 2014, respondent was convicted of stalking/malicious harassment, a felony crime substantially related to the qualifications, functions, and duties of a pharmacy technician. (Factual Finding 4b and Legal Conclusion 7.)

9. With respect to the Second Cause for Discipline alleged in the Accusation, complainant established by a preponderance of evidence that cause exists to discipline Pharmacy Technician Registration number TCH 130425 pursuant to Business and Professions Code sections 4300 and 4301, subdivision (l), and California Code of Regulations, title 16, section 1770, in that, on July 18, 2014, respondent was convicted of assault by means likely to produce great bodily injury, a misdemeanor crime substantially related to the qualifications, functions, and duties of a pharmacy technician. (See Factual Finding 3b and Legal Conclusion 7.)

10. With respect to the Third Cause for Discipline alleged in the Accusation, complainant established by a preponderance of evidence that cause exists to discipline Pharmacy Technician Registration number TCH 130425 pursuant to Business and Professions Code sections 4300 and 4301, subdivision (f), in that, on July 5 and 23, 2014, respondent committed acts involving moral turpitude when she assaulted a member of the public and threatened another with violence. (See Factual Finding 3a and 4a.)

11. Cause to discipline a pharmacy technician's registration may be overcome with substantial, persuasive evidence of rehabilitation and good character. The Board has compiled a list of factors to evaluate whether a registrant has been rehabilitated from prior misconduct. That list, found in *A Manual of Disciplinary Guidelines and Model Disciplinary Orders* (Revised 10/2007), and which is incorporated by reference into the Board's

regulations,¹ includes the nature and severity of the act under consideration; the actual or potential harm to any consumer or to the public; a registrant's prior disciplinary record; aggravating evidence; rehabilitation evidence; the registrant's compliance with the terms of any sentence, probation, or parole; the time that has elapsed since commission of the act; and evidence of dismissal of any conviction under Penal Code section 1203.4.

12. Appropriate and significant criminal punishment has been imposed against respondent for her conduct. It is not the purpose of this administrative proceeding to impose additional punishment. The purpose of this administrative proceeding is to protect the public from dishonest, immoral, disreputable, or incompetent practitioners. (See e.g. *Ettinger v. Board of Medical Quality Assurance, supra*, 135 Cal.App.3d at 856.)

13. All evidence offered at the administrative hearing has been duly considered. The evidence of rehabilitation respondent offered at the hearing is insufficient, at this time, to overcome cause to discipline respondent's registration. Respondent is currently compliant with the terms of her five-year probation, which expires in 2019, but less than three years have elapsed since respondent's conduct and resulting convictions occurred. Respondent's conduct resulting in her two criminal convictions involved violence and the threat of violence. Respondent's conduct caused physical harm to at least one individual and incited fear in another. Such conduct is as serious as it is indefensible. It is conduct constituting "unprofessional conduct." The nature and severity of respondent's conduct warrant revocation of respondent's pharmacy technician registration.

14. A registrant found to have violated the Pharmacy Law may be directed to pay a sum not to exceed the reasonable costs of investigation and prosecution of the case. (Bus. & Prof. Code, § 125.3.)

15. Under *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal. App. 4th 32, 45, the Board must exercise its discretion to reduce or eliminate cost awards so as to prevent cost award statutes from deterring registrants with potentially meritorious claims or defenses from exercising their right to a hearing. "Thus the [Board] may not assess the full costs of investigation and prosecution when to do so will unfairly penalize a [registrant] who has committed some misconduct, but who has used the hearing process to obtain dismissal of other charges or a reduction in the severity of the discipline imposed." (*Id.*) The Board, in imposing costs in such situations, must consider the registrant's subjective good faith belief in the merits of his or her position and the Board must consider whether or not the registrant has raised a colorable defense. The Board must also consider the registrant's ability to make payment.

16. Considering all the *Zuckerman* factors, including respondent's part time employment and the absence of evidence regarding respondent's ability to pay a cost award, the Board shall not recover its costs of investigation and prosecution in the matter.

¹ California Code of Regulations, title 16, section 1760.

ORDER

Pharmacy Technician Registration number TCH 130425 issued to Alicia Michelle Castillo is revoked.

DATED: April 27, 2017

DocuSigned by:



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JENNIFER M. RUSSELL
Administrative Law Judge
Office of Administrative Hearings

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

11 In the Matter of the Accusation Against:
12 **ALICIA MICHELLE CASTILLO**
44829 Trevor Ave., Apt. #1
13 Lancaster, CA 93534
14 Pharmacy Technician Registration No. TCH
15 130425
16 Respondent.

Case No. 5597
ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs ("Board").
22 2. On or about March 27, 2013, the Board of Pharmacy issued Pharmacy Technician
23 Registration No. TCH 130425 to Alicia Michelle Castillo ("Respondent"). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on December 31, 2016, unless renewed.

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1 JURISDICTION

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

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

7 5. Section 4300.1 of the Code states:

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

13 STATUTORY PROVISION

14 6. Section 4301 of the Code states, in pertinent part:

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

18 . . .

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

22 . . .

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

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

12 **REGULATORY PROVISION**

13 7. California Code of Regulations, title 16, section 1770 states:

14 "For the purpose of denial, suspension, or revocation of a personal or facility license
15 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
16 crime or act shall be considered substantially related to the qualifications, functions or duties of a
17 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
18 licensee or registrant to perform the functions authorized by his license or registration in a manner
19 consistent with the public health, safety, or welfare."

20 **COST RECOVERY**

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

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1 FIRST CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime)

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

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

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

20 SECOND CAUSE FOR DISCIPLINE

21 (Conviction of Substantially Related Crime)

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

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

1 *State of California v. Alicia Michelle Castillo* (Super. Ct. L.A. County, 2014, No. MA063514).

2 The court denied probation and sentenced Respondent to serve 161 days in jail and pay fines.

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

8 **THIRD CAUSE FOR DISCIPLINE**

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

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

15 **DISCIPLINE CONSIDERATIONS**

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

23 a. The circumstances underlying this criminal conviction is that on or about March 23,
24 2009, deputies arrived at Respondent's location to search for her brother, a convicted felon who
25 failed to report for work release. Respondent repeatedly denied that her brother was inside the
26 residence but the felon was ultimately found locked inside the bathroom. Respondent was charged
27 with violating Penal Code Section 4534 [aiding a prisoner's escape].

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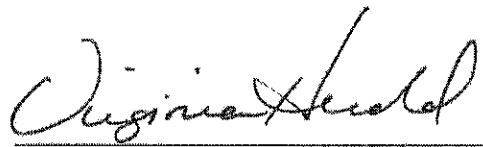
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PRAYER

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

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