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

In the Matter of the Accusation Against:  
**JORGE ALDANA**  
5162 Florence Ave. #44  
Bell, CA 90201  
**Pharmacy Technician Registration No. TCH  
146615**  
  
Respondent.

Case No. 6094  
**DEFAULT DECISION AND ORDER**  
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about July 20, 2017, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the California State Board of Pharmacy, filed Accusation No. 6094 against Jorge Aldana (Respondent) before the Board of Pharmacy (Board), Department of Consumer Affairs, State of California (Accusation attached as Exhibit A.)

2. On or about March 19, 2015, the Board issued Pharmacy Technician Registration No. TCH 146615 to Respondent. The Pharmacy Technician Registration expired on August 31, 2016, has not been renewed, and has been cancelled. This lapse in licensure, however, pursuant to Business and Professions Code section 4300.1, does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

1           3.     On or about August 1, 2017, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 6094, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is: 5162 Florence Ave. #44, Bell, CA 90201.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
9 124.

10          5.     Government Code section 11506(c) states, in pertinent part:

11                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all  
13 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense  
14 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its  
15 discretion may nevertheless grant a hearing.

16          6.     The Board takes official notice of its records and the fact that Respondent failed to  
17 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
18 waived his right to a hearing on the merits of Accusation No. 6094.

19          7.     California Government Code section 11520(a) states, in pertinent part:

20                 (a) If the respondent either fails to file a notice of defense . . . or to appear at  
21 the hearing, the agency may take action based upon the respondent's express  
22 admissions or upon other evidence and affidavits may be used as evidence without  
23 any notice to respondent . . . .

24          8.     Pursuant to its authority under Government Code section 11520, the Board finds  
25 Respondent is in default. The Board will take action without further hearing and, based on the  
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
28 file at the Board offices regarding the allegations contained in Accusation No. 6094, finds that the  
charges and allegations in Accusation No. 6094, are separately and severally, found to be true and  
correct by clear and convincing evidence.

1 9. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$1,522.50 as of August 29, 2017.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Jorge Aldana has subjected his  
6 Pharmacy Technician Registration No. TCH 146615 to discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Board is authorized to revoke Respondent's Pharmacy Technician Registration  
9 based upon the following violations alleged in the Accusation which are supported by the  
10 evidence contained in the Default Decision Evidence Packet in this case:

11 a. Business and Professions Code section 4301, for Unprofessional Conduct involving  
12 the commission of lewd or lascivious acts against two children 14 years of age or younger.

13 b. Business and Professions Code section 4301(f) and/or (p), for Acts Involving Moral  
14 Turpitude and Corruption.

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ORDER

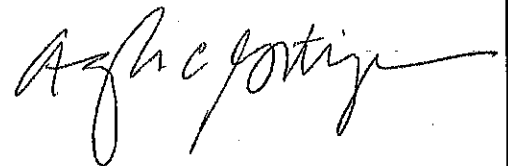
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 146615, heretofore issued to Respondent Jorge Aldana, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on November 8, 2017.

It is so ORDERED on October 9, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

52611211.DOC; DOJ Matter ID:LA2017604284

Attachment:  
Exhibit A: Accusation

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# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 HELENE E. ROUSE  
Deputy Attorney General  
4 State Bar No. 130426  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-3005  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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.

16  
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:

15 . . . .

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.

19 . . . .

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.<sup>1</sup> 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 <sup>1</sup> 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 14<sup>th</sup> 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].

28 ///

1 16. On or about October 31, 2016, a detective with the County of Los Angeles, Special  
 2 Victims Bureau, filed an online complaint with the Board, stating that Respondent has an active  
 3 felony warrant for his arrest, for lewd acts with a child. Respondent molested two different  
 4 children and confessed to his crimes. An arrest warrant was issued for Respondent's arrest, but  
 5 he failed to surrender himself, fled the jurisdiction, and is currently evading law enforcement.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Acts Involving Moral Turpitude and Corruption)**

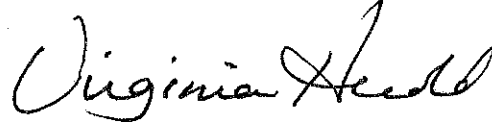
8 17. Respondent is subject to disciplinary action under Section 4301, subdivisions (f)  
 9 and/or (p), in that Respondent committed acts involving moral turpitude and corruption, which  
 10 would have warranted denial of a license, as described in the allegations set forth above in  
 11 Paragraphs 8-16, which are incorporated here as though set forth fully.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 146615,  
 16 issued to Jorge Aldana;
- 17 2. Ordering Jorge Aldana to pay the Board of Pharmacy the reasonable costs of the  
 18 investigation and enforcement of this case, pursuant to Business and Professions Code section  
 19 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

21  
 22 DATED: 7/20/17



23 VIRGINIA HEROLD  
 24 Executive Officer  
 25 Board of Pharmacy  
 26 Department of Consumer Affairs  
 27 State of California  
 28 Complainant

26 LA2017604284; 52559085.doc