

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

**In the Matter of the Accusation Against:**

**ALLYN MARIE KHOTING QUITORIANO, Respondent**

**Pharmacy Technician Registration No. TCH 154206**

**Agency Case No. 6940**

**OAH No. 2020110598**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order 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 April 28, 2021.

It is so ORDERED on March 29, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name and title.

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 KIM KASRELIOVICH  
Deputy Attorney General  
4 State Bar No. 261766  
300 So. Spring Street, Suite 1702  
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E-mail: Kim.Kasreliovich@doj.ca.gov  
7 *Attorneys for Complainant*

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

12  
13 In the Matter of the Accusation Against:

14 **ALLYN MARIE KHOTING**  
**QUITORIANO**  
15 **1511 Delmare Drive**  
**Whittier, CA 90601**

16 **Pharmacy Technician Registration No. TCH**  
17 **154206**

18 Respondent.

Case No. 6940

OAH No. 2020110598

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

19  
20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
25 (Board). She brought this action solely in her official capacity and is represented in this matter by  
26 Xavier Becerra, Attorney General of the State of California, by Kim Kasreliovich, Deputy  
27 Attorney General.  
28

2. Respondent Allyn Marie Khoting Quitoriano (Respondent) is represented in this proceeding by attorney Michael Tran, Esq., whose address is:

2222 Martin, Suite 215

Irvine CA 92612-1406

3. On or about April 6, 2016, the Board issued Pharmacy Technician Registration No. TCH 154206 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 6940, and will expire on March 31, 2022, unless renewed.

### **JURISDICTION**

4. Accusation No. 6940 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on August 10, 2020. Respondent timely filed her Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 6940 is attached as exhibit A and incorporated herein by reference.

### **ADVISEMENT AND WAIVERS**

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6940. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

1 **CULPABILITY**

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 6940.

4 10. Respondent agrees that her Pharmacy Technician Registration is subject to discipline  
5 and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary  
6 Order below.

7 **CONTINGENCY**

8 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
9 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
10 communicate directly with the Board regarding this stipulation and settlement, without notice to  
11 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
12 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation  
13 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
14 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
15 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
16 and the Board shall not be disqualified from further action by having considered this matter.

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
18 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
19 signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
27 the Board may, without further notice or formal proceeding, issue and enter the following  
28 Disciplinary Order:

**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 154206 issued to Respondent Allyn Marie Khoting Quitoriano is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

**2. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the

1 total period of probation. Moreover, if the final probation report is not made as directed,  
2 probation shall be automatically extended until such time as the final report is made and accepted  
3 by the board.

### 4 **3. Interview with the Board**

5 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
6 with the board or its designee, at such intervals and locations as are determined by the board or its  
7 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
8 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
9 the period of probation, shall be considered a violation of probation.

### 10 **4. Cooperate with Board Staff**

11 Respondent shall timely cooperate with the board's inspection program and with the board's  
12 monitoring and investigation of respondent's compliance with the terms and conditions of her  
13 probation, including but not limited to: timely responses to requests for information by board  
14 staff; timely compliance with directives from board staff regarding requirements of any term or  
15 condition of probation; and timely completion of documentation pertaining to a term or condition  
16 of probation. Failure to timely cooperate shall be considered a violation of probation.

### 17 **5. Reporting of Employment and Notice to Employers**

18 During the period of probation, respondent shall notify all present and prospective  
19 employers of the decision in case number 6940 and the terms, conditions and restrictions imposed  
20 on respondent by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
22 undertaking any new employment, respondent shall report to the board in writing the name,  
23 physical address, and mailing address of each of her employer(s), and the name(s) and telephone  
24 number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in-charge, designated  
25 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
26 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
27 employment. Respondent shall sign and return to the board a written consent authorizing the  
28 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and

1 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
2 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
3 requirements or deadlines of this condition shall be considered a violation of probation.

4 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
5 respondent undertaking any new employment, respondent shall cause (a) her direct supervisor, (b)  
6 her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
7 compliance supervisor, and (c) the owner or owner representative of her employer, to report to the  
8 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
9 number 6940, and terms and conditions imposed thereby. If one person serves in more than one  
10 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
11 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
12 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
13 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
14 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
15 in case number 6940, and the terms and conditions imposed thereby.

16 If respondent works for or is employed by or through an employment service, respondent  
17 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
18 of the decision in case number 6940, and the terms and conditions imposed thereby in advance of  
19 respondent commencing work at such licensed entity. A record of this notification must be  
20 provided to the board upon request.

21 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
22 (15) days of respondent undertaking any new employment by or through an employment service,  
23 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
24 to report to the board in writing acknowledging that he or she has read the decision in case  
25 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
26 ensure that these acknowledgment(s) are timely submitted to the board.

1 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
2 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
3 shall be considered a violation of probation.

4 "Employment" within the meaning of this provision includes any full-time, part-time,  
5 temporary, relief, or employment/management service position as a Pharmacy Technician, or any  
6 position for which a Pharmacy Technician is a requirement or criterion for employment, whether  
7 the respondent is an employee, independent contractor or volunteer.

8 **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

9 Respondent shall further notify the board in writing within ten (10) days of any change in  
10 name, residence address, mailing address, e-mail address or phone number.

11 Failure to timely notify the board of any change in employer, name, address, or phone  
12 number shall be considered a violation of probation.

13 **7. Reimbursement of Board Costs**

14 As a condition precedent to successful completion of probation, respondent shall pay to the  
15 board its costs of investigation and prosecution in the amount of \$3,722.50.

16 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
17 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
18 date of probation.

19 There shall be no deviation from this schedule absent prior written approval by the board or  
20 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
21 probation.

22 **8. Probation Monitoring Costs**

23 Respondent shall pay any costs associated with probation monitoring as determined by the  
24 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
25 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
26 be considered a violation of probation.

27 **9. Status of License**



Respondent shall, at all times while on probation, maintain an active, current Pharmacy Technician Registration with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current Pharmacy Technician Registration shall be considered a violation of probation.

If respondent's Pharmacy Technician Registration expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

#### **10. License Surrender While on Probation/Suspension**

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may relinquish her license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish her pocket and/or wall license, including any indicia of licensure not previously provided to the board within ten (10) days of notification by the board that the surrender is accepted if not already provided. Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

#### **11. Certification Prior to Resuming Work**

Respondent shall maintain an active, current certification as defined by Business and Professions Code section 4202, subdivision (a)(4), for the entire period of probation, and shall submit proof of re-certification or renewal of certification to the board within ten (10) days of

1 receipt. Failure to maintain active, current certification or to timely submit proof of same shall be  
2 considered a violation of probation.

3 **12. Practice Requirement – Extension of Probation**

4 Except during periods of suspension, respondent shall, at all times while on probation, be  
5 employed as a Pharmacy Technician in California for a minimum of 80 hours per calendar month.  
6 Any month during which this minimum is not met shall extend the period of probation by one  
7 month. During any such period of insufficient employment, respondent must nonetheless comply  
8 with all terms and conditions of probation, unless respondent receives a waiver in writing from  
9 the board or its designee.

10 If respondent does not practice as a Pharmacy Technician in California for the minimum  
11 number of hours in any calendar month, for any reason (including vacation), respondent shall  
12 notify the board in writing within ten (10) days of the conclusion of that calendar month. This  
13 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
14 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will  
15 resume practice at the required level. Respondent shall further notify the board in writing within  
16 ten (10) days following the next calendar month during which respondent practices as a Pharmacy  
17 Technician in California for the minimum of hours. Any failure to timely provide such  
18 notification(s) shall be considered a violation of probation.

19 It is a violation of probation for respondent's probation to be extended pursuant to the  
20 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
21 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
22 probation period on its website.

23 **13. Violation of Probation**

24 If respondent has not complied with any term or condition of probation, the board shall  
25 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
26 that probation shall automatically be extended, until all terms and conditions have been satisfied  
27 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
28

1 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
2 board or its designee may post a notice of the extended probation period on its website.

3 If respondent violates probation in any respect, the board, after giving respondent notice  
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
5 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
6 probation, or the preparation of an accusation or petition to revoke probation is requested from  
7 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
8 probation shall be automatically extended until the petition to revoke probation or accusation is  
9 heard and decided.

#### 10 **14. Completion of Probation**

11 Upon written notice by the board or its designee indicating successful completion of  
12 probation, respondent's license will be fully restored.

#### 13 **15. Clinical Diagnostic Evaluation**

14 Within thirty (30) days of the effective date of this decision, and on a periodic basis  
15 thereafter if required by the board or its designee, respondent shall undergo, at her own expense,  
16 clinical diagnostic evaluation(s) by a practitioner selected or approved prior to the evaluation by  
17 the board or its designee. The approved evaluator shall be provided with a copy of the Board's  
18 Accusation and Decision. Respondent shall sign a release authorizing the evaluator to furnish the  
19 Board with a current diagnosis and a written report regarding the respondent's judgment and  
20 ability to function independently as a Pharmacy Technician with safety to the public. If the  
21 evaluator recommends restrictions or conditions on respondent's practice, including but not  
22 limited to other terms and conditions listed in these guidelines (e.g., required psychotherapy,  
23 inpatient treatment, prescription coordination and monitoring, restricted practice), the board or its  
24 designee may by written notice to respondent adopt any such restrictions or conditions as  
25 additional probation terms and conditions, violation of which shall be considered a violation of  
26 probation. Failure to comply with any requirement or deadline stated by this paragraph shall be  
27 considered a violation of probation.  
28

1 If at any time the approved evaluator or therapist determines that respondent is unable to  
2 practice safely or independently, the licensed mental health practitioner shall notify the board  
3 immediately by telephone and follow up by written letter within three (3) working days. Upon  
4 notification from the board or its designee of this determination, respondent shall be  
5 automatically suspended and shall not resume practice until notified by the board or its designee  
6 that practice may resume.

7 Failure to comply with any requirement or deadline stated by this term shall be considered a  
8 violation of probation.

9 **ACCEPTANCE**

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
11 discussed it with my attorney, Michael Tran, Esq. I understand the stipulation and the effect it  
12 will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Board of Pharmacy.

15  
16 DATED: \_\_\_\_\_  
17 *ALLYN MARIE KHOTING QUITORIANO*  
*Respondent*

18 I have read and fully discussed with Respondent Allyn Marie Khoting Quitoriano the terms  
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
20 Order. I approve its form and content.

21  
22 DATED: \_\_\_\_\_  
23 *MICHAEL TRAN, ESQ.*  
*Attorney for Respondent*

24 ///

25 ///

26 ///

27 ///

28 ///

1 If at any time the approved evaluator or therapist determines that respondent is unable to  
2 practice safely or independently, the licensed mental health practitioner shall notify the board  
3 immediately by telephone and follow up by written letter within three (3) working days. Upon  
4 notification from the board or its designee of this determination, respondent shall be  
5 automatically suspended and shall not resume practice until notified by the board or its designee  
6 that practice may resume.

7 Failure to comply with any requirement or deadline stated by this term shall be considered a  
8 violation of probation.

9 **ACCEPTANCE**

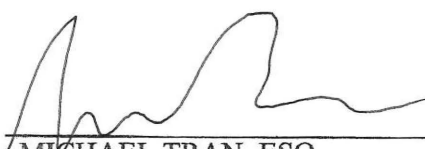
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
11 discussed it with my attorney, Michael Tran, Esq. I understand the stipulation and the effect it  
12 will have on my Pharmacy Technician Registration. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Board of Pharmacy.

15  
16 DATED: 2-12-21

  
17 ALLYN MARIE KHOTING QUITORIANO  
Respondent

18 I have read and fully discussed with Respondent Allyn Marie Khoting Quitoriano the terms  
19 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
20 Order. I approve its form and content.

21  
22 DATED: 2/16/21

  
23 MICHAEL TRAN, ESQ.  
Attorney for Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: \_\_\_\_\_

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

KIM KASRELIOVICH  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: February 17, 2021

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

  
KIM KASRELIOVICH  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6940**



1 XAVIER BECERRA  
Attorney General of California  
2 CARL SONNE  
Senior Assistant Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
4 State Bar No. 207108  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6283  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 6940

13 **ALLYN MARIE KHOTING**  
14 **QUITORIANO**  
15 **1511 Delmare Drive**  
16 **Whittier, CA 90601**

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
16 **154206**

17 Respondent.

18  
19 **PARTIES**

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

22 2. On or about April 6, 2016, the Board of Pharmacy (Board) issued Pharmacy  
23 Technician Registration Number TCH 154206 to Allyn Marie Khoting Qutoriano (Respondent).  
24 The Pharmacy Technician Registration was in full force and effect at all times relevant to the  
25 charges brought herein and will expire on March 31, 2022, unless renewed.

26 **JURISDICTION AND STATUTORY PROVISIONS**

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

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

4           5.     Section 493 states:

5                 Notwithstanding any other provision of law, in a proceeding conducted by a  
6 board within the department pursuant to law to deny an application for a license or to  
7 suspend or revoke a license or otherwise take disciplinary action against a person who  
8 holds a license, upon the grounds that the applicant or the licensee has been convicted  
9 of a crime substantially related to the qualifications, functions, and duties of the  
10 licensee in question, the record of conviction of the crime shall be conclusive  
11 evidence of the fact that the conviction occurred, but only of that fact, and the board  
12 may inquire into the circumstances surrounding the commission of the crime in order  
13 to fix the degree of discipline or to determine if the conviction is substantially related  
14 to the qualifications, functions, and duties of the licensee in question. As used in this  
15 section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'

16           6.     Section 4300 provides that every license issued by the Board is subject to discipline,  
17 including suspension or revocation.

18           7.     Section 4300.1 states:

19                 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
20 by operation of law or by order or decision of the board or a court of law, the  
21 placement of a license on a retired status, or the voluntary surrender of a license by a  
22 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
23 investigation of, or action or disciplinary proceeding against, the licensee or to render  
24 a decision suspending or revoking the license.

25           8.     Section 4301 states:

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

    . . . .

    (1) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of a  
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of this  
state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the 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 or, in the case of a conviction not involving controlled  
substances or dangerous drugs, to determine if the conviction is of an offense  
substantially related to the qualifications, functions, and duties of a licensee under this  
chapter. 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. The  
board may take action when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made 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.

....

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

### **REGULATORY PROVISIONS**

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

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

### **COST RECOVERY**

10. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

### **FIRST CAUSE FOR DISCIPLINE**

#### **(Unprofessional Conduct - Conviction of a Substantially Related Crime)**

11. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of a crime substantially related to the qualifications, functions or duties of a licensee or registrant. On or about December 10, 2019, Respondent pled nolo contendere and was convicted of one (1) felony count of violating Penal Code section 273.5, subdivision (a) (infliction of corporal injury on spouse/cohabitant) in the criminal proceeding titled: *The People of the State of California v. Allyn Marie Quitoriano* (Super. Ct. L.A. County, No. KA121284). The court sentenced Respondent to serve four (4) days in jail and placed her on five (5) years'

1 probation with terms and conditions. The circumstances surrounding the conviction are that on or  
2 about February 13, 2019, Respondent used a copy of the house key and made entry into her ex-  
3 boyfriend's house. A verbal argument began between the Respondent, the victim, and the  
4 victim's girlfriend. The victim attempted to escort Respondent out of the house; she broke free  
5 and grabbed a kitchen knife, and scratched the victim in the abdomen.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Conduct Warranting Denial of License)**

8 12. Respondent is subject to disciplinary action under section 4301, subdivision (p), in  
9 that Respondent committed acts that would have warranted denial of a license. Respondent was  
10 convicted of inflicting corporal injury to her ex-boyfriend. Complainant realleges paragraph 11,  
11 as though fully set forth herein.

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 154206,  
16 issued to Allyn Marie Khoting Quitoriano;

17 2. Ordering Allyn Marie Khoting Quitoriano to pay the Board of Pharmacy the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
19 Professions Code section 125.3; and,

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

21  
22  
23 DATED: August 3, 2020

*Anne Sodergren*

24 ANNE SODERGREN  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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