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

12 In the Matter of the Accusation Against:

13 **ALDRIN D. ESPINA**
14 **225 1/2 S. Hoover Street**
Los Angeles, CA 90004

15 **Pharmacy Technician Registration No. TCH**
16 **119665**

17 Respondent.

Case No. 7480

OAH No. 2023100128

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 **FINDINGS OF FACT**

19 1. On May 8, 2023, Complainant Anne Sodergren, in her official capacity as the
20 Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation
21 No. 7480 against Aldrin D. Espina (Respondent) before the Board of Pharmacy (Board).
22 (Accusation attached as Exhibit A.)

23 2. On September 11, 2012, the Board issued Pharmacy Technician Registration No.
24 TCH 119665 to Respondent. The Pharmacy Technician Registration was in full force and effect
25 at all times relevant to the charges brought in Accusation No. 7480 and will expire on February
26 29, 2024, unless renewed.

27 3. On June 19, 2023, Complainant served Respondent by Certified and First Class Mail
28 with copies of the Accusation No. 7480, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record. Under Business and Professions Code section 4100, Respondent
3 is required to report and maintain an address of record with the Board. Respondent's address of
4 record was and is 225 1/2 S. Hoover Street, Los Angeles, CA 90004.

5 4. Service of the Accusation was effective as a matter of law under the provisions of
6 Government Code section 11505(c) and/or Business and Professions Code section 124.

7 5. Government Code section 11506(c) states:

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

13 6. On June 26, 2023, Respondent filed his Notice of Defense (NOD). On October 18,
14 2023, Respondent withdrew his NOD in accordance with California Code of Regulations, title 1,
15 section 1014, subdivision (c); and waived his right to a hearing in this matter.

16 7. The Board takes official notice of its records and the fact that Respondent withdrew
17 his Notice of Defense, and therefore waived his right to a hearing on the merits of Accusation No.
18 7480.

19 8. California Government Code section 11520(a) states:

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 9. 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 Investigatory Evidence Packet in this matter,
27 finds that the charges and allegations in Accusation No. 7480, are separately and severally, found
28 to be true and correct by clear and convincing evidence.

10 10. The Board finds that the actual costs for Investigation and Enforcement are \$2,408.75
11 as of October 18, 2023.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Aldrin D. Espina has subjected
3 his Pharmacy Technician Registration No. TCH 119665 to discipline.

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

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

8 a. Conviction of a substantially related crime (Bus. & Prof. Code § 4301, subd. (l));

9 b. General unprofessional conduct (Bus. & Prof. Code § 4301);

10 c. Acts of moral turpitude, dishonesty, deceit, or corruption ((Bus. & Prof. Code § 4301,
11 subd. (f)); and

12 d. Violations of the Pharmacy Law ((Bus. & Prof. Code §4301, subd. (o)).

13 **ORDER**

14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 119665, issued to
15 Respondent Aldrin D. Espina, is revoked.

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

20 This Decision shall become effective at 5:00 p.m. on December 20,2023.

21 It is so ORDERED on November 20, 2023.

22 

23 _____
24 Seung W. Oh, Pharm.D.
25 Board President
26 FOR THE BOARD OF PHARMACY
27 DEPARTMENT OF CONSUMER AFFAIRS

28 84206139.DOCX
DOJ Matter ID:SD2023801140

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 ERIN M. SUNSERI
Supervising Deputy Attorney General
3 AGUSTIN LOPEZ
Deputy Attorney General
4 State Bar No. 218717
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9461
7 Facsimile: (619) 645-2061
E-mail: Agustin.Lopez@doj.ca.gov
8 *Attorneys for Complainant*

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10 **BEFORE THE**
11 **BOARD OF PHARMACY**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the Accusation Against:

Case No. 7480

15 **ALDRIN D. ESPINA**
225 1/2 S. Hoover Street
Los Angeles, CA 90004

ACCUSATION

16 **Pharmacy Technician Registration No. TCH**
17 **119665**

18 Respondent.

19
20 **PARTIES**

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

23 2. On September 11, 2012, the Board issued Pharmacy Technician Registration Number
24 TCH 119665 to Aldrin D. Espina (Respondent). The Pharmacy Technician Registration was in
25 full force and effect at all times relevant to the charges brought herein and will expire on February
26 29, 2024, unless renewed.

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4. Section 4300 states:

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5. Section 4300.1 states:

STATUTORY PROVISIONS

7. Section 4301 of the Code states:

• • •

• •

(ALDRIN D. ESPINA) ACCUSATION

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

17 . . .

18 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
19 abetting the violation of or conspiring to violate any provision or term of this chapter
20 or of the applicable federal and state laws and regulations governing pharmacy,
21 including regulations established by the board or by any other state or federal
22 regulatory agency.

23 **REGULATORY PROVISIONS**

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

25 (a) For the purpose of denial, suspension, or revocation of a personal or facility
26 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
27 Business and Professions Code, a crime, professional misconduct, or act shall be
28 considered substantially related to the qualifications, functions or duties of the
practice, profession, or occupation that may be performed under the license type
sought or held if to a substantial degree it evidences present or potential unfitness of
an applicant or licensee to perform the functions authorized by the license in a
manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under
subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that may be
performed under the license type sought or held.

(c) For purposes of subdivision (a), substantially related crimes, professional
misconduct, or acts shall include, but are not limited to, those which:

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or
conspire to violate, any provision of law of this state, or any other jurisdiction,
governing the practice of pharmacy.

1 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or
2 conspire to violate, any provision of Chapter 13 (commencing with Section 801) of
3 Title 21 of the United States Code regulating controlled substances or any law of this
4 state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

5 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or
6 conspire to violate, any provision of law of this state, or any other jurisdiction,
7 relating to government provided or government supported healthcare.

8 (4) Involve dishonesty, fraud, deceit, or corruption related to money, items,
9 documents, or personal information.

10 (5) Involve a conviction for driving under the influence of drugs or alcohol.

11 **COST RECOVERY**

12 9. Section 125.3 provides that the Board may request the administrative law judge to
13 direct a licensee found to have committed a violation or violations of the licensing act to pay a
14 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

15 **FACTUAL ALLEGATIONS**

16 10. On April 14, 2023, in a matter entitled *People v. Aldrin Espina* (Super. Ct. Orange
17 County, 2023, No. 23WF0107), the superior court convicted Respondent on his guilty plea of
18 felony violation of Penal Code section 211/212.5, subdivision (c) (second degree burglary). The
19 court sentenced Respondent to two years formal probation, 90 days in jail beginning May 5,
20 2023, and ordered that he pay the victim restitution.

21 11. The court convicted Respondent because on September 18, 2022, Respondent stalked
22 BV, an elderly woman, while she was at a casino and cashed in her winnings. He followed her
23 home, ambushed her as she approached her front door by pushing her face first into the door, and
24 ripped her purse from her. Respondent stole approximately \$3,000.00 from BV and fled. BV
25 suffered a bruise on her face from the impact with her door.

26 **FIRST CAUSE FOR DISCIPLINE**

27 **(Conviction of a Substantially Related Crime)**

28 12. Complainant incorporates paragraphs 10-11 by reference as if set forth in full herein.

13 13. Respondent is subject to discipline under Section 4301, subdivision (l), because he
14 was convicted of a crime substantially related to the qualifications, functions, and duties of a
15 pharmacy technician.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 14. Complainant incorporates paragraphs 10-11 by reference as if set forth in full herein.

4 15. Respondent is subject to discipline under Section 4301 because Respondent engaged
5 in general unprofessional conduct by committing second degree felony burglary against BV.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Acts of Moral Turpitude, Dishonesty, Deceit, or Corruption)**

8 16. Complainant incorporates paragraphs 10-11 by reference as if set forth in full herein.

9 17. Respondent is subject to discipline under Section 4301, subdivision (f), because
10 Respondent committed acts involving moral turpitude, deceit, or corruption by committing
11 second degree felony burglary against BV.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Pharmacy Law)**

14 18. Complainant incorporates paragraphs 10-11 by reference as if set forth in full herein.

15 19. Respondent is subject to discipline under Section 4301, subdivision (o), because
16 Respondent violated provisions of the Pharmacy Law (Bus. & Prof. Code § 4000 *et seq.*), when
17 he violated Section 4301, subdivisions (f) and (l), and engaged in general unprofessional conduct.

18 **PRAYER**

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

21 1. Revoking or suspending Pharmacy Technician Registration Number TCH 119665,
22 issued to Aldrin D. Espina;

23 2. Ordering Aldrin D. Espina to pay the Board of Pharmacy the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3; and,

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

DATED: 5/8/2023

Sodergren,
Anne@DCA

 Digitally signed by Sodergren,
Anne@DCA
Date: 2023.05.08 07:56:26 -07'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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