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

In the Matter of the Accusation Against:  
  
**ALEXANDER JOSEPH ALTAMIRANO**  
5320 N. Reese Avenue  
Fresno, CA 93722  
  
**Pharmacy Technician License No.  
TCH122738**  
  
Respondent.

Case No. 7695  
OAH No. 7695  
**DEFAULT DECISION AND ORDER**  
  
[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about December 13, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7695 against Alexander Joseph Altamirano (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about April 19, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 122738 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7695 and will expire on January 8, 2024, unless renewed.

1           3.     On or about December 21, 2023, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7695, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7),  
4 and Notice of Assigned Hearing Date at Respondent's address of record which, pursuant to  
5 Business and Professions Code section 4100, is required to be reported and maintained with the  
6 Board. Respondent's address of record was and is: 5320 N. Reese Avenue, Fresno, CA 93722.

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

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

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

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore  
17 waived his right to a hearing on the merits of Accusation No. 7695.

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

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 finds that the charges and allegations in Accusation No. 7695, are separately and severally, found  
27 to be true and correct by clear and convincing evidence.

28           9.     The Board finds that the actual costs for Investigation and Enforcement are \$1,787.25  
as of March 20, 2024.

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1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Alexander Joseph Altamirano  
3 has subjected his Pharmacy Technician License No. TCH122738 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 License based upon the following violations alleged in the Accusation which are supported by the  
7 evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Respondent is subject to disciplinary action under Code section 4301, subdivision (l);

9 b. Respondent is subject to disciplinary action under Code section 4301, subdivision (f).

10 **ORDER**

11 IT IS SO ORDERED that Pharmacy Technician License No. TCH122738, issued to  
12 Respondent Alexander Joseph Altamirano, is revoked.

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

17 This Decision shall become effective at 5:00 p.m. on May 16, 2024.

18 It is so ORDERED on April 16, 2024.

19 

20 \_\_\_\_\_  
21 Seung W. Oh Pharm.D.  
22 Board President  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

23 37951012.DOCX  
24 DOJ Matter ID:SA2023305936

25 Attachment:  
26 Exhibit A: Accusation

# Exhibit A

Accusation

(ALEXANDER JOSEPH ALTAMIRANO)

1 ROB BONTA  
Attorney General of California  
2 KAREN R. DENVIR  
Supervising Deputy Attorney General  
3 KATELYN E. DOCHERTY  
Deputy Attorney General  
4 State Bar No. 322028  
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5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6277  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7695

13 **ALEXANDER JOSEPH ALTAMIRANO**  
14 5320 N. Reese Avenue  
Fresno, CA 93722

**ACCUSATION**

15 **Pharmacy Technician License No. TCH**  
16 **122738**

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 (Board), Department of Consumer Affairs.

22 2. On or about April 19, 2012, the Board issued Pharmacy Technician License Number  
23 TCH 122738 to Alexander Joseph Altamirano (Respondent). The Pharmacy Technician License  
24 was in full force and effect at all times relevant to the charges brought herein and will expire on  
25 January 8, 2024, unless renewed.

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**JURISDICTION**

1  
2       3.     This Accusation is brought before the Board under the authority of the following  
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
4 indicated.

5       4.     Code section 118, subdivision (b), provides that the suspension, expiration, surrender,  
6 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
7 action during the period within which the license may be renewed, restored, reissued or  
8 reinstated.

9       5.     Code section 4300 states:

10           (a) Every license issued may be suspended or revoked.

11           (b) The board shall discipline the holder of any license issued by the board,  
12 whose default has been entered or whose case has been heard by the board and found  
guilty, by any of the following methods:

13               (1) Suspending judgment.

14               (2) Placing him or her upon probation.

15               (3) Suspending his or her right to practice for a period not exceeding one year.

16               (4) Revoking his or her license.

17               (5) Taking any other action in relation to disciplining him or her as the board in  
18 its discretion may deem proper.

19           (c) The board may refuse a license to any applicant guilty of unprofessional  
20 conduct. The board may, in its sole discretion, issue a probationary license to any  
21 applicant for a license who is guilty of unprofessional conduct and who has met all  
other requirements for licensure. The board may issue the license subject to any  
terms or conditions not contrary to public policy, including, but not limited to, the  
following:

22               (1) Medical or psychiatric evaluation.

23               (2) Continuing medical or psychiatric treatment.

24               (3) Restriction of type or circumstances of practice.

25               (4) Continuing participation in a board-approved rehabilitation program.

26               (5) Abstention from the use of alcohol or drugs.

27               (6) Random fluid testing for alcohol or drugs.

28               (7) Compliance with laws and regulations governing the practice of pharmacy.

1 (d) The board may initiate disciplinary proceedings to revoke or suspend any  
2 probationary certificate of licensure for any violation of the terms and conditions of  
3 probation. Upon satisfactory completion of probation, the board shall convert the  
4 probationary certificate to a regular certificate, free of conditions.

5 (e) The proceedings under this article shall be conducted in accordance with  
6 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
7 Government Code, and the board shall have all the powers granted therein. The  
8 action shall be final, except that the propriety of the action is subject to review by the  
9 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

10 6. Code section 4300.1 states, in pertinent part:

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

17 7. Code section 4307 states in pertinent part:

18 (a) Any person who has been denied a license or whose license has been  
19 revoked or is under suspension, or who has failed to renew his or her license while it  
20 was under suspension ... shall be prohibited from serving as a manager,  
21 administrator, owner, member, officer, director, associate, partner, or in any other  
22 position with management or control of a licensee as follows:

23 (1) Where a probationary license is issued or where an existing license is placed  
24 on probation, this prohibition shall remain in effect for a period not to exceed five  
25 years.

26 (2) Where the license is denied or revoked, the prohibition shall continue until  
27 the license is issued or reinstated.

28 ...

### **STATUTORY PROVISIONS**

8. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of  
unprofessional conduct or whose license has been issued by mistake. 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.

...

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1 (I) The conviction of a crime substantially related to the qualifications,  
2 functions, and duties of a licensee under this chapter. The record of conviction of a  
3 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United  
4 States Code regulating controlled substances or of a violation of the statutes of this  
5 state regulating controlled substances or dangerous drugs shall be conclusive  
6 evidence of unprofessional conduct. In all other cases, the record of conviction shall  
7 be conclusive evidence only of the fact that the conviction occurred. The board may  
8 inquire into the circumstances surrounding the commission of the crime, in order to  
9 fix the degree of discipline or, in the case of a conviction not involving controlled  
10 substances or dangerous drugs, to determine if the conviction is of an offense  
11 substantially related to the qualifications, functions, and duties of a licensee under this  
12 chapter. A plea or verdict of guilty or a conviction following a plea of *nolo*  
13 *contendere* is deemed to be a conviction within the meaning of this provision. The  
14 board may take action when the time for appeal has elapsed, or the judgment of  
15 conviction has been affirmed on appeal or when an order granting probation is made  
16 suspending the imposition of sentence, irrespective of a subsequent order under  
17 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of  
18 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or  
19 dismissing the accusation, information, or indictment.

20 . . . .

#### 21 COST RECOVERY

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

#### 28 FIRST CAUSE FOR DISCIPLINE

##### (Conviction of a Substantially Related Crime)

10. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),  
in that he was convicted of a crime that is substantially related to the functions, qualifications, and  
duties of a pharmacy technician, as follows;

11. On or about February 27, 2023, in the criminal proceeding entitled, *People of the*  
*State of California v. Alexander Joseph Altamirano*, Fresno County Superior Court, Case Number  
F22902889, Respondent was convicted on his plea of *nolo contendere* to violating Penal Code  
section 273.5(a) (corporal injury on a spouse/cohabitant), a misdemeanor. The imposition of  
Respondent's sentence was suspended and Respondent was placed on formal probation for three

1 years with terms and conditions. Respondent was also prohibited from possessing a firearm and  
2 the required to attend and complete a domestic violence program. The circumstances of the crime  
3 are as follows:

4 12. On or about February 16, 2022, officers with the Fresno Police Department responded  
5 to a report of a domestic disturbance with visible injuries at a residence located in Fresno,  
6 California. When the officers arrived at the residence, the victim stated that she and Respondent  
7 had gotten into an argument that turned physical. The officer observed that the victim had a bite  
8 mark on her right hand, her skin was punctured and bleeding, and the top of her hand was  
9 swollen. Respondent was not at the residence at the time of the victim's statement. On or about  
10 February 24, 2022, Respondent turned himself in to the Fresno County Probation Department.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Acts Involving Moral Turpitude)**

13 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),  
14 on the grounds of unprofessional conduct, in that he committed acts of moral turpitude when he  
15 engaged in acts of physical violence, as more particularly set forth above in paragraphs 10, 11 and  
16 12, and incorporated herein by reference.

17 **OTHER MATTERS**

18 14. Pursuant to Code section 4307, if discipline is imposed on Alexander Joseph  
19 Altamirano, then Alexander Joseph Altamirano, shall be prohibited from serving as a manager,  
20 administrator, owner, member, officer, director, associate, or partner of a licensee for a period not  
21 to exceed five (5) years if the license is placed on probation; or, if the license is revoked, the  
22 prohibition shall continue until the license is reinstated.

23 **PRAYER**

24 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board issue a decision:

26 1. Revoking or suspending Pharmacy Technician License Number TCH 122738, issued  
27 to Alexander Joseph Altamirano;

28 ///

1           2.     Prohibiting Alexander Joseph Altamirano from serving as a manager, administrator,  
2 owner, member, officer, director, associate, partner, or in any other position with management or  
3 control of any pharmacy licensee;

4           3.     Ordering Alexander Joseph Altamirano to pay the Board the reasonable costs of the  
5 investigation and enforcement of this case, pursuant to Code section 125.3; and,

6           4.     Taking such other and further action as deemed necessary and proper.

7           DATED: 12/13/2023

Sodergren,  
Anne@DCA

 Digitally signed by Sodergren,  
Anne@DCA  
Date: 2023.12.13 19:39:02 -08'00'

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

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