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

10 In the Matter of the Accusation Against:

Case No. 3688

11 **JAIME JURADO**
12 **7834 Ferncola Avenue**
13 **Sun Valley, CA 91352**
Pharmacy Technician Registration No. TCH
59073

A C C U S A T I O N

14 Respondent.

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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 (Board), Department of Consumer Affairs.

21 2. On or about October 14, 2004, the Board issued Pharmacy Technician Registration
22 Number TCH 59073 to Jaime Jurado (Respondent). The Pharmacy Technician Registration was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 December 31, 2011, unless renewed.

25 JURISDICTION

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

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

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

9 6. Subdivision (a) of Section 4300 of the Code authorizes the suspension or revocation
10 of every license.

11 7. Section 4301 of the Code states, in pertinent part:

12 “The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct Unprofessional conduct shall include, but is not limited to, any of the following:

14

15 “(h) The . . . use of . . . alcoholic beverages to the extent or in a manner as to be dangerous
16 or injurious to oneself . . . or to any other person or to the public

17

18 “(k) The conviction of more than one misdemeanor or any felony involving the use . . . of
19 any . . . alcoholic beverage

20 “(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. . . . A plea . . . of guilty or a conviction following a plea of
22 nolo contendere is deemed to be a conviction within the meaning of this provision. The board
23 may take action when the time for appeal has elapsed, or the judgment of conviction has been
24 affirmed on appeal or when an order granting probation is made suspending the imposition of
25 sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
26 person to withdraw his or her plea of guilty and to enter a plea of not guilty, . . . or dismissing the
27 accusation, information, or indictment.”

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1 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:
2 “For the purpose of . . . suspension, or revocation of a personal . . . license pursuant to
3 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act
4 shall be considered substantially related to the qualifications, functions or duties of a licensee or
5 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
6 registrant to perform the functions authorized by his license or registration in a manner consistent
7 with the public health, safety, or welfare.”

8 9. Section 125.3 of the Code states, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 FIRST CAUSE FOR DISCIPLINE

13 (Substantially Related Convictions)

14 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (I)
15 in that Respondent was convicted of five crimes substantially related to the qualifications,
16 functions or duties of a pharmacy technician. The circumstances are as follows:

17 a. On or about July 16, 2003, in *People v. Jurado* (Super. Ct. Los Angeles County,
18 2003, No. 3BU01608), Respondent pleaded guilty to and was convicted of the misdemeanor of
19 driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision
20 (a), based on his arrest on or about May 2, 2003 made after Respondent was driving very slow
21 and without his lights on at about 2:30 a.m. The criminal court sentenced Respondent to three
22 years' probation with terms and conditions including successful completion of a three-month
23 first-offender alcohol program, not operating a motor vehicle with any measurable amount of
24 alcohol in Respondent's blood system, not refusing to take a chemical/breath test for alcohol
25 consumption when requested by a peace officer, and not driving without a valid driver's license
26 in possession and insurance.

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1 this reference incorporates the allegations set forth in paragraphs 10, subparagraphs 1 through c
2 inclusive, above, as though set forth fully.

3 THIRD CAUSE FOR DISCIPLINE

4 (Alcohol Abuse)

5 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
6 in that Respondent used alcohol to the extent or in a manner as to be dangerous or injurious to
7 himself and to the public. Complainant refers to and by this reference incorporates the allegations
8 set forth in paragraphs 10, subparagraphs 1 through c inclusive, above, as though set forth fully.

9 In addition, Complainant alleges:

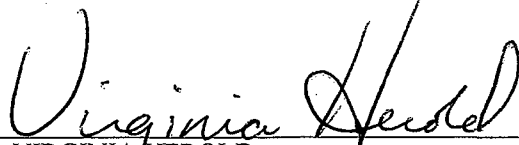
10 a. On or about February 22, 2010, Respondent was arrested for two misdemeanor
11 violations, (1) disorderly conduct for public drunkenness (Pen. Code, § 647, subd. (f)) and (2)
12 vandalism, defacing property by breaking a window (Pen. Code, § 594, subd. (b)(2)(a)). At the
13 time of arrest, Respondent smelled of alcohol and appeared to be intoxicated.

14 PRAYER

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 59073,
18 issued to Respondent Jaime Jurado
- 19 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
20 enforcement of this case, pursuant to Code section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23
24 DATED: 7/1/10


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

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