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7	BEFORE '	тик	
8	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
9	STATE OF CALIFORNIA		
10		GN- COCA	
11	In the Matter of the Accusation Against:	Case No. 5264	
12	JAIME OZUNA, JR. 1037 Chenin Blanc Street		
13	Los Banos, CA 93635	ACCUSATION	
14	Pharmacy Technician License No. TCH 124396		
15	Respondent.		
16	Complainant alleges:		
17	<u>PARTIES</u>		
18	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity		
19	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
20	2. On or about June 25, 2012, the Board of Pharmacy issued Pharmacy Technician		
21	License No. TCH 124396 to Jaime Ozuna, Jr. (Respondent). The License was in full force and		
22	effect at all times relevant to the charges herein and will expire on July 31, 2015, unless renewed		
23			
24	JURISDICTION		
25	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
26	Consumer Affairs, under the authority of the following laws. All section references are to the		
27	Business and Professions Code (Code) unless otherwise indicated.		
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- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

STATUTORY AND REGULATORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.
- 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.
 - 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 her license or registration in a manner consistent with the public health, safety, or welfare."

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10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

- 11. Respondent is subject to discipline under section 4301(l) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about January 21, 2014, in the criminal case *People v. Jaime Ozuna, Jr.*, Case No. SS132188A in Monterey County Superior Court, Respondent was convicted of violating Penal Code section(s) 664/288a, subdivision (b)(1) (Attempted Oral Copulation of a Person Under 18 Years Old), a felony. The conviction was entered as follows:
- a. On or about October 4, 2013, an undercover officer for the Monterey County Sheriff's Department posted a Craigslist ad posing as a "high school girl" looking for "someone to teach me and be gentle with me" (sexually). Between on or about October 4, 2013 and on or about October 19, 2013, Respondent exchanged numerous email messages with the undercover officer in which, *inter alia*, the "high school girl" specified that she was sixteen (16) years old, Respondent specified that he was thirty (30) years old, they discussed various sexual activities in which they might engage together, Respondent asked the "girl" to be discreet because he could "get into serious trouble," and they arranged to meet for purposes of engaging in sex. On or about October 19, 2013, Respondent arrived at the spot pre-arranged with the "girl," and was arrested.
- b. On or about November 14, 2013, Respondent was charged by Information in *People v. Jaime Ozuna, Jr.*, Case No. SS132188A in Monterey County Superior Court, with violating (1) Penal Code section 288.4, subdivision (b) (Meeting Minor for Lewd Purposes), a felony, and (2) Penal Code section(s) 664/288a, subdivision (b)(1) (Attempted Oral Copulation of a Person Under 18 Years Old), a felony.
- c. On or about January 21, 2014, Respondent pleaded nolo contendere to Count (2), and stipulated to a factual basis for the plea based on the police report(s).

1	d. On or about April 24, 2014, the remaining count was dismissed. Imposition of	
2	sentence was suspended and Respondent was placed on formal probation for a period of three (3)	
3	years, on terms and conditions including lifetime registration as a sex offender pursuant to Penal	
4	Code section 290, completion of a sex offender management program lasting not less than one (1)	
5	year, including polygraph examinations, a prohibition on being in the presence of children under	
6	18 without another adult, and payment of fines and fees (plus non-probation fines and fees).	
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8	SECOND CAUSE FOR DISCIPLINE	
9	(Unprofessional Conduct)	
10	12. Respondent is subject to discipline under section 4301 of the Code in that, as	
11	described in paragraph 11 above, Respondent engaged in unprofessional conduct.	
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13	<u>PRAYER</u>	
14	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
15	and that following the hearing, the Board of Pharmacy issue a decision:	
16	1. Revoking or suspending Pharmacy Technician License No. TCH 124396, issued to	
17	Jaime Ozuna, Jr. (Respondent);	
18	2. Ordering Respondent to pay the Board the reasonable costs of the investigation and	
19	enforcement of this case, pursuant to Business and Professions Code section 125.3;	
20	3. Taking such other and further action as is deemed necessary and proper.	
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22	DATED 10/07/14	
23	DATED: 10/17/19 VIRGINIA HEROLD	
24	Executive Officer Board of Pharmacy	
25	Department of Consumer Affairs State of California	
26	Complainant	
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