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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. 5568

13 **JESSICA M. URETA,**  
14 **AKA JESSICA MENDAROS URETA**  
15 **5432 Montclair Circle**  
**La Palma, CA 90623**

**A C C U S A T I O N**

16 **Pharmacy Technician Registration**  
**No. TCH 113716**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about August 18, 2011, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 113716 to Jessica M. Ureta, who is also known as Jessica Mendaros  
25 Ureta (Respondent). The Pharmacy Technician Registration was in full force and effect at all  
26 times relevant to the charges brought herein and will expire on October 31, 2016, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (a) of the Code states "Every license issued may be  
6 suspended or revoked."

7 5. Section 4300.1 of the Code states:

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

12 **STATUTORY PROVISIONS**

13 6. Section 4022 of the Code states

14 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
15 self-use in humans or animals, and includes the following:

16 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing  
17 without prescription," "Rx only," or words of similar import.

18 (b) Any device that bears the statement: "Caution: federal law restricts this device  
19 to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
20 blank to be filled in with the designation of the practitioner licensed to use or order use of  
21 the device.

22 (c) Any other drug or device that by federal or state law can be lawfully dispensed  
23 only on prescription or furnished pursuant to Section 4006.

24 7. Section 4060 of the Code states, in pertinent part, that no person shall possess any  
25 controlled substance, except that furnished to a person upon the prescription of a physician,  
26 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.

27 8. Health and Safety Code section 11364, subdivision (a) provides, in pertinent part, that  
28 it is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia  
used for unlawfully injecting or smoking a controlled substance.

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1 9. Health and Safety Code section 11377, subdivision (a) provides, in pertinent part, that  
2 every person who possesses the controlled substance methamphetamine shall be punished by  
3 imprisonment in a county jail for a period of not more than one year (misdemeanor offense).

4 10. Section 4301 of the Code states:

5 The board shall take action against any holder of a license who is guilty of  
6 unprofessional conduct or whose license has been procured by fraud or misrepresentation  
7 or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of  
8 the following:

9 (j) The violation of any of the statutes of this state, or any other state, or of the  
10 United States regulating controlled substances and dangerous drugs. . . .

11 11. Section 492 of the Code states:

12 Notwithstanding any other provision of law, successful completion of any diversion  
13 program under the Penal Code, or successful completion of an alcohol and drug problem  
14 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12  
15 of Division 11 of the Vehicle Code, shall not prohibit any agency established under  
16 Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative  
17 act referred to in that division, from taking disciplinary action against a licensee or from  
18 denying a license for professional misconduct, notwithstanding that evidence of that  
19 misconduct may be recorded in a record pertaining to an arrest.

20 This section shall not be construed to apply to any drug diversion program operated  
21 by any agency established under Division 2 (commencing with Section 500) of this code,  
22 or any initiative act referred to in that division.

## 23 COSTS

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

## DRUG

13. Methamphetamine is a Schedule II controlled substance as designated by Health  
and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business  
and Professions Code section 4022.

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1 CAUSE FOR DISCIPLINE

2 (Violation of California Statutes Regulating Controlled Substances)

3 14. Respondent is subject to disciplinary action under section 4301, subdivision (j) of the  
4 Code for unprofessional conduct in that on or about February 24, 2015, she violated Business and  
5 Professions Code sections 4060, and Health and Safety Code sections 11373, subdivision (a), and  
6 11364, subdivision (a). The circumstances are as follows:

7 a. On or about the morning of February 24, 2015, two patrol officers with the La  
8 Palma Police Department were investigating citizen reports of suspicious activity in a  
9 neighborhood. The officers observed a parked vehicle with two occupants. As the officers  
10 approached the vehicle, they observed Respondent slumped in the passenger seat; she appeared to  
11 be passed out. The officers spoke to the male driver (Respondent's boyfriend), during which time  
12 Respondent woke up. After finding illegal drugs on Respondent's boyfriend, the officers then  
13 spoke with Respondent. During a consent search of her person, the officer located a small baggie  
14 containing methamphetamine, and a capped, unused syringe in her jacket pocket. During a search  
15 of Respondent's vehicle, the officers found an additional baggie of methamphetamine on the  
16 driver's seat, a small amount of what the officer believed to be heroin, and a piece of folded  
17 aluminum foil with burnt marks indicative of a device used to smoke heroin. The officer also  
18 found a water bottle with a false bottom that contained two unidentified pills. Inside Respondent's  
19 carry bag, the officer found a glass smoking pipe containing a white, chalky residue. Additional  
20 prescription drugs were found in the backpack of Respondent's boyfriend. Both were arrested and  
21 booked. During questioning, Respondent told officers she recently started using  
22 methamphetamine, and had been introduced to heroin in the previous couple of months.

23 b. As a result of the arrest, in criminal proceedings entitled *People of the State of*  
24 *California vs. Jessica Mendaros Ureta, et al.*, the Orange County District Attorney's Office filed  
25 charges against Respondent on May 19, 2015 alleging violations of Health and Safety Code  
26 section 11377, subdivision (a) – possession of methamphetamine; and Health and Safety Code  
27 section 11364, subdivision (a) – possession of controlled substance paraphernalia. Respondent  
28 failed to appear at her June 19, 2015 arraignment on the charges.

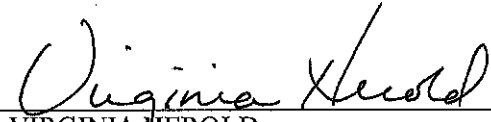
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**PRAYER**

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 113716, issued to Jessica M. Ureta, also known as Jessica Mendaros Ureta;
2. Ordering Jessica M. Ureta to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 9/20/15



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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