

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

In the Matter of the Accusation Against:

Case No. 5568

**JESSICA M. URETA,
AKA JESSICA MENDAROS URETA
5432 Montclair
La Palma, CA 90623**

**Pharmacy Technician Registration No. TCH
113716**

Respondent.

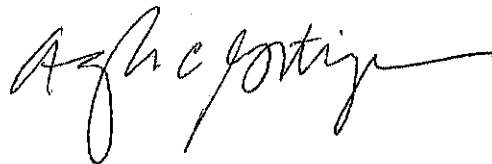
DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 19, 2016.

It is so ORDERED on January 20, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
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:
13 **JESSICA M. URETA,**
AKA JESSICA MENDAROS URETA
14 **5432 Montclair**
La Palma, CA 90623
15
16 **Pharmacy Technician Registration No. TCH 113716**
17 **Respondent.**

Case No. 5568
OAH No. 2015120085
STIPULATED
SURRENDER OF LICENSE
AND ORDER

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
22 (Board). She brought this action solely in her official capacity and is represented in this matter by
23 Kamala D. Harris, Attorney General of the State of California, by Antoinette B. Cincotta, Deputy
24 Attorney General.

25 2. Jessica M. Ureta, aka Jessica Mendaros Ureta (Respondent) is representing herself in
26 this proceeding, and has chosen not to exercise her right to be represented by counsel.

27 ///
28 ///

1 ORDER

2 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 113716
3 issued to Respondent Jessica M. Ureta, aka Jessica Mendaros Ureta, is surrendered and accepted
4 by the Board of Pharmacy.

5 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance
6 of the surrendered license by the Board shall constitute the imposition of discipline against
7 Respondent. This stipulation constitutes a record of the discipline and shall become a part of
8 Respondent's license history with the Board of Pharmacy.

9 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
10 as of the effective date of the Board's Decision and Order.

11 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was
12 issued, her wall certificate on or before the effective date of the Decision and Order.

13 4. Respondent understands and agrees that if he or she ever files an application for
14 licensure or a petition for reinstatement in the State of California, the board shall treat it as a new
15 application for licensure.

16 Respondent may not apply for any license, permit, or registration from the board for three
17 (3) years from the effective date of this decision. Respondent stipulates that should he or she
18 apply for any license from the board on or after the effective date of this decision, all allegations
19 set forth in the accusation shall be deemed to be true, correct and admitted by respondent when
20 the board determines whether to grant or deny the application. Respondent shall satisfy all
21 requirements applicable to that license as of the date the application is submitted to the board,
22 including, but not limited to certification by a nationally recognized body prior to the issuance of
23 a new license. Respondent is required to report this surrender as disciplinary action.

24 5. Respondent shall pay the agency its costs of investigation and enforcement in the
25 amount of \$1,247.50 prior to issuance of a new or reinstated license.

26 ///

27 ///

28 ///

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the conditions and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED 12/11/2015

JESSICA TRUCCA
AKA JESSICA MENDIAROS URTA
Respondent

ENDORSEMENT

This foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for transmission by the Board of Pharmacy of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

KARLAD HARRIS
Attorney General of California
GREGORY J. SALLITE
Supervising Deputy Attorney General

ANTOINETTE E. CASCOTTA
Deputy Attorney General
Attorney for Compliance

20151211
20151211

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

JESSICA M. URETA,
AKA JESSICA MENDAROS URETA
Respondent

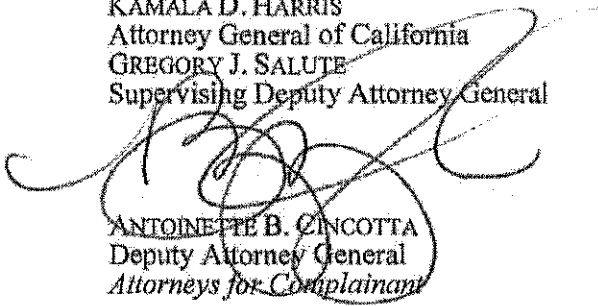
ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 12/15/2015

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



ANTOINETTE B. CINCOTTA
Deputy Attorney General
Attorneys for Complainant

SD2015801942
81215456.doc

Exhibit A

Accusation No. 5568

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

27 ///

28 ///

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.

///

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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:

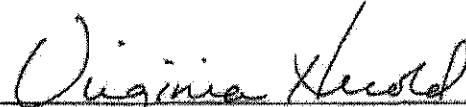
1. Revoking or suspending Pharmacy Technician Registration Number TCH 113716, issued to Jessica M. Ureta, also known as Jessica Mendaros Ureta;

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

SD2015801942
81143078.doc