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	l.	
1 2 3 4 5 6 7	KAMALA D. HARRIS Attorney General of California GREGORY J. SALUTE Supervising Deputy Attorney General ANTOINETTE B. CINCOTTA Deputy Attorney General State Bar No. 120482 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2095 Facsimile: (619) 645-2061		
8	Attorneys for Complainant		
9	BEFORE THE		
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
11	<u>1999</u>		
12	In the Matter of the Accusation Against:	Case No. 5568	
13	JESSICA M. URETA, AKA JESSICA MENDAROS URETA	OAH No. 2015120085	
14	5432 Montclair La Palma, CA 90623	STIPULATED SURRENDER OF LICENSE	
15	Pharmacy Technician Registration No. TCH 113716	AND ORDER	
16	Respondent.		
17			
18	IT IS HEREBY STIPULATED AND AGREED by and b	etween 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 a		
23 .	Kamala D. Harris, Attorney General of the State of California, t	y Antoinette B. Cincotta, Deputy	
24	Attorney General.	-	
25	2. Jessica M. Ureta, aka Jessica Mendaros Ureta (Resp	ondent) is representing herself in	
26	this proceeding, and has chosen not to exercise her right to be represented by counsel.		
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28	<i>///</i>	:	
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	Stimilar	ed Surrender of License (Case No. 5568)	

3. On or about August 18, 2011, the Board of Pharmacy issued Pharmacy Technician
 Registration No. TCH 113716 to Jessica M. Ureta, aka Jessica Mendaros Ureta (Respondent).
 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
 charges brought in Accusation No. 5568, and will expire on October 31, 2016, unless renewed.

JURISDICTION

4. Accusation No. 5568 was filed before the Board, and is currently pending against
Respondent. The Accusation and all other statutorily required documents were properly served
on Respondent on September 30, 2015. Respondent timely filed her Notice of Defense contesting
the Accusation. A copy of Accusation No. 5568 is attached as Exhibit A, and incorporated by
reference.

ADVISEMENT AND WAIVERS

Respondent has carefully read, and understands the charges and allegations in
 Accusation No. 5568. Respondent also has carefully read, and understands the effects of this
 Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a
hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
her own expense; the right to confront and cross-examine the witnesses against her; the right to
present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
compel the attendance of witnesses and the production of documents; the right to reconsideration
and court review of an adverse decision; and all other rights accorded by the California
Administrative Procedure Act and other applicable laws.

Respondent voluntarily, knowingly, and intelligently waives and gives up each and
every right set forth above.

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation
No. 5568, agrees that cause exists for discipline, and hereby surrenders her Pharmacy Technician
Registration No. TCH 113716 for the Board's formal acceptance.

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9. Respondent understands that by signing this stipulation she enables the Board to issue an order accepting the surrender of her Pharmacy Technician Registration without further process.

CONTINGENCY

This stipulation shall be subject to approval by the Board. Respondent understands 10. 5 and agrees that counsel for Complainant and the staff of the Board may communicate directly б 7 with the Board regarding this stipulation and surrender, without notice to or participation by 8 Respondent. By signing the stipulation, Respondent understands and agrees that she may not 9 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the 10 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this 11 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not 12 be disqualified from further action by having considered this matter. 13

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
 15 copies of this Stipulated Surrender of License and Order, including Portable Document Format
 16 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

17 12. This Stipulated Surrender of License and Order is intended by the parties to be an
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
20 negotilations, and commitments (written or oral). This Stipulated Surrender of License and Order
21 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
22 executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that
the Board may, without further notice or formal proceeding, issue and enter the following Order:
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Stipulated Surrender of License (Case No. 5568)

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

ORDER

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

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

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

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

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.

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Stipulated Surrender of License (Case No. 5568)

ACCLETANCE

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ENDORSEMENT

The Emplority Superlised Statender of Locause and Order is hereby respectibility solutions for employed and by the Exact of Pharmacy of the Department of Consumer Athles.

Respectfully summines.

KAMALA D. HARDY Aponney General of Cultiernau GREGORY J. SALLTE Supervising Depusy Atlantey General

ANTOINETTE E. CONCORTA Departy Anomaly General Automatic for Completions

.1	ACCEPTANCE	
2	I have carefully read the Stipulated Surrender of License and Order. I understand the	
3	stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this	
4	Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to	
5	be bound by the Decision and Order of the Board of Pharmacy.	
6		
7	DATED:	
8	JESSICA M. URETA, AKA JESSICA MENDAROS URETA	
9	Respondent	
10		
11		
12	ENDORSEMENT	
13	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted	
14	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.	
15	Dated: 12 15 7-01	
16	KAMALA D. HARRIS Attorney General of California	
17	GREGORY J. SALUTE Supervising Deputy Attorney, General	
18	- ADD-C,	
19	ANTOINET PROVIDENTA	
20	Deputy Attorney General Attorneys for Complainant	
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	Stipulated Surrender of License (Case No. 5568)	

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Exhibit A

Accusation No. 5568

		j.
1 2 3 4 5 6 7 8	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Senior Assistant Attorney General JAMES M. LEDAKIS Supervising Deputy Attorney General State Bar No. 132645 600 West Broadway, Suite 1800 San Diego, CA 92101 P.O. Box 85266 San Diego, CA 92186-5266 Telephone: (619) 645-2105 Facsimile: (619) 645-2061 Attorneys for Complainant	
9	BEFORE THE	
10	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
11		1
12	In the Matter of the Accusation Against:	Case No. 5568
13	JESSICA M. URETA, AKA JESSICA MENDAROS URETA	ACCUSATION
14 15	5432 Montclair Circle La Palma, CA 90623	
16	Pharmacy Technician Registration No. TCH 113716	
17	Respondent.	
18		
19	Complainant alleges:	
20	PAR	TIES
21	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity as
22	the Executive Officer of the Board of Pharmacy,	Department of Consumer Affairs.
23		oard 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 I	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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		(JESSICA M. URETA) ACCUSATION

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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	operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not	
9		
10	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	
11	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 without prescription," "Rx only," or words of similar import.	
17	(b) Any device that bears the statement: "Caution: federal law restricts this device	
18	to sale by or on the order of a," "Rx only," or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.	
19	(c) Any other drug or device that by federal or state law can be lawfully dispensed	
20	only on prescription or furnished pursuant to Section 4006.	
21	7. Section 4060 of the Code states, in pertinent part, that no person shall possess any	
22	controlled substance, except that furnished to a person upon the prescription of a physician,	
23	dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor.	
24	8. Health and Safety Code section 11364, subdivision (a) provides, in pertinent part, that	
25	it is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia	
26	used for unlawfully injecting or smoking a controlled substance.	
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	(JESSICA M. URETA) ACCUSATION	

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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 or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:	
7 8	(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs	
9	11. Section 492 of the Code states:	
10	Notwithstanding any other provision of law, successful completion of any diversion	
11	program under the Penal Code, or successful completion of an alcohol and drug problem assessment program under Article 5 (commencing with section 23249.50) of Chapter 12	
12	of Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2 ([Healing Arts] commencing with Section 500) of this code, or any initiative	
13	act referred to in that division, from taking disciplinary action against a licensee or from denying a license for professional misconduct, notwithstanding that evidence of that	
14	misconduct may be recorded in a record pertaining to an arrest.	
15 16	This section shall not be construed to apply to any drug diversion program operated by any agency established under Division 2 (commencing with Section 500) of this code, or any initiative act referred to in that division.	
17	COSTS	
18	12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the	
19	administrative law judge to direct a licentiate found to have committed a violation or violations of	
20	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
21	enforcement of the case, with failure of the licentiate to comply subjecting the license to not being	
22	renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be	
23	included in a stipulated settlement.	
24	DRUG	
25	13. Methamphetamine is a Schedule II controlled substance as designated by Health	
26	and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business	
27	and Professions Code section 4022.	
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	(JESSICA M. URETA) ACCUSATION	

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CAUSE FOR DISCIPLINE

(Violation of California Statutes Regulating Controlled Substances)

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

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

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

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(JESSICA M. URETA) ACCUSATION

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1	PRAYER	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
3	and that following the hearing, the Board of Pharmacy issue a decision:	
4	I. Revoking or suspending Pharmacy Technician Registration Number TCH 113716,	
5	issued to Jessica M. Ureta, also known as Jessica Mendaros Ureta;	
6	2. Ordering Jessica M. Ureta to pay the Board of Pharmacy the reasonable costs of the	
7	investigation and enforcement of this case, pursuant to Business and Professions Code section	
8	125.3;	
9	3. Taking such other and further action as deemed necessary and proper.	
10		
11	DATED: 9/20/15 Juginia Hecold	
12	VIRGINIA HEROLD Executive Officer	
13	Board of Pharmacy Department of Consumer Affairs	
14	State of California Complatnant	
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	5 (JESSICA M. URETA) ACCUSATION	
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