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7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 5264

11 **JAIME OZUNA, JR.**  
12 **1037 Chenin Blanc Street**  
13 **Los Banos, CA 93635**

**ACCUSATION**

14 **Pharmacy Technician License No. TCH 124396**

15 Respondent.

16 Complainant alleges:

17 PARTIES

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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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both  
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be  
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or  
7 suspension of a Board-issued license, the placement of a license on a retired status, or the  
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to  
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the  
10 licensee or to render a decision suspending or revoking the license.

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12 STATUTORY AND REGULATORY PROVISIONS

13 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action  
14 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but  
15 not be limited to, any of the following:

16 (l) The conviction of a crime substantially related to the qualifications, functions, and duties  
17 of a licensee under this chapter.

18 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or  
19 revoke a license when it finds that the licensee has been convicted of a crime substantially related  
20 to the qualifications, functions or duties of the license.

21 9. California Code of Regulations, title 16, section 1770, states:

22 "For the purpose of denial, suspension, or revocation of a personal or facility license  
23 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
24 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
25 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
26 licensee or registrant to perform the functions authorized by her license or registration in a manner  
27 consistent with the public health, safety, or welfare."

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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)

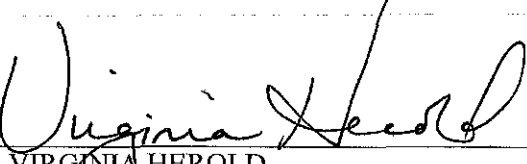
10 12. Respondent is subject to discipline under section 4301 of the Code in that, as  
11 described in paragraph 11 above, Respondent engaged in unprofessional conduct.

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13 PRAYER

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  
23 DATED: 10/17/14

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

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