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

In the Matter of the Accusation Against:

Case No. 3688

**JAIME JURADO
7834 Ferncola Avenue
Sun Valley, CA 91352
Pharmacy Technician Registration No. TCH
59073**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about July 1, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 3688 against Jaime Jurado (Respondent) before the Board. (Accusation attached as Exhibit A.)

2. On or about October 14, 2004, the Board issued Pharmacy Technician Registration No. TCH 59073 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

3. On or about July 14, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3688, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Gov. Code, §§ 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to Business and Professions Code section 136, is
2 required to be reported and maintained with the Board, which was and is: 7834 Ferncola Avenue,
3 Sun Valley, California 91352.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. The Statement to Respondent served with the Accusation stated, "Unless a written
8 request for a hearing signed by you or on your behalf is delivered or mailed to the Board . . .
9 within fifteen (15) days after a copy of the Accusation was . . . mailed to you, you will be deemed
10 to have waived your right to a hearing in this matter and the Board may proceed upon the
11 Accusation without a hearing and may take action thereon as provided by law." Notwithstanding
12 this Statement, Respondent did not submit a written request for a hearing.

13 6. Government Code section 11506 states, in pertinent part:

14 (c) The respondent shall be entitled to a hearing on the merits if the respondent
15 files a notice of defense, and the notice shall be deemed a specific denial of all parts
16 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing

17 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
18 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
19 3688.

20 8. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of the investigation report, exhibits and statements contained therein on file
27 at the Board's offices regarding the allegations contained in Accusation No. 3688, finds that the
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1 charges and allegations in Accusation No. 3688, are separately and severally, found to be true and
2 correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Enforcement
5 is \$2,645.00 as of September 15, 2010.
6

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Jaime Jurado has subjected his
9 Pharmacy Technician Registration No. TCH 59073 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
12 Registration based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case::

14 a. First Cause for Discipline for Substantially Related Convictions (Bus. & Prof. Code,
15 § 4301, subd. (l));

16 b. Second Cause for Discipline for Alcohol Use Convictions (Bus. & Prof. Code, §
17 4301, subd. (k)); and

18 c. Third Cause for Discipline for Alcohol Abuse (Bus. & Prof. Code, § 4301, subd. (h)).
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22 ORDER

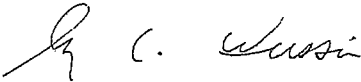
23 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 59073, heretofore
24 issued to Respondent Jaime Jurado, is revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
26 written motion requesting that the Decision be vacated and stating the grounds relied on within
27 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
28 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

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This Decision shall become effective on January 19, 2011.

It is so ORDERED December 20, 2010.



STANLEY C. WEISSER, BOARD PRESIDENT
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

60556565.DOC
DOJ Matter ID:LA2010600535

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RENE JUDKIEWICZ
Deputy Attorney General
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300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2537
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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. 3688

11 **JAIME JURADO**
12 7834 Ferncola Avenue
13 Sun Valley, CA 91352
14 Pharmacy Technician Registration No. TCH
15 59073

Respondent.

A C C U S A T I O N

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about October 14, 2004, the Board issued Pharmacy Technician Registration
22 Number TCH 59073 to Jaime Jurado (Respondent). The Pharmacy Technician Registration was
23 in full force and effect at all times relevant to the charges brought herein and will expire on
24 December 31, 2011, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board, under the authority of the following
27 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 118, subdivision (b), of the Code provides that the
2 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of
3 jurisdiction to proceed with a disciplinary action during the period within which the license may
4 be renewed, restored, reissued or reinstated.

5 5. Section 490 of the Code provides, in pertinent part, that a board may suspend or
6 revoke a license on the ground that the licensee has been convicted of a crime substantially
7 related to the qualifications, functions, or duties of the business or profession for which the
8 license was issued.

9 6. Subdivision (a) of Section 4300 of the Code authorizes the suspension or revocation
10 of every license.

11 7. Section 4301 of the Code states, in pertinent part:

12 “The board shall take action against any holder of a license who is guilty of unprofessional
13 conduct Unprofessional conduct shall include, but is not limited to, any of the following:

14

15 “(h) The . . . use of . . . alcoholic beverages to the extent or in a manner as to be dangerous
16 or injurious to oneself . . . or to any other person or to the public

17

18 “(k) The conviction of more than one misdemeanor or any felony involving the use . . . of
19 any . . . alcoholic beverage

20 “(l) The conviction of a crime substantially related to the qualifications, functions, and
21 duties of a licensee under this chapter. . . . A plea . . . of guilty or a conviction following a plea of
22 nolo contendere is deemed to be a conviction within the meaning of this provision. The board
23 may take action when the time for appeal has elapsed, or the judgment of conviction has been
24 affirmed on appeal or when an order granting probation is made suspending the imposition of
25 sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the
26 person to withdraw his or her plea of guilty and to enter a plea of not guilty, . . . or dismissing the
27 accusation, information, or indictment.”

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1 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:
2 "For the purpose of . . . suspension, or revocation of a personal . . . license pursuant to
3 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act
4 shall be considered substantially related to the qualifications, functions or duties of a licensee or
5 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
6 registrant to perform the functions authorized by his license or registration in a manner consistent
7 with the public health, safety, or welfare."

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

12 FIRST CAUSE FOR DISCIPLINE

13 (Substantially Related Convictions)

14 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (l)
15 in that Respondent was convicted of five crimes substantially related to the qualifications,
16 functions or duties of a pharmacy technician. The circumstances are as follows:

17 a. On or about July 16, 2003, in *People v. Jurado* (Super. Ct. Los Angeles County,
18 2003, No. 3BU01608), Respondent pleaded guilty to and was convicted of the misdemeanor of
19 driving under the influence of alcohol, in violation of Vehicle Code section 23152, subdivision
20 (a), based on his arrest on or about May 2, 2003 made after Respondent was driving very slow
21 and without his lights on at about 2:30 a.m. The criminal court sentenced Respondent to three
22 years' probation with terms and conditions including successful completion of a three-month
23 first-offender alcohol program, not operating a motor vehicle with any measurable amount of
24 alcohol in Respondent's blood system, not refusing to take a chemical/breath test for alcohol
25 consumption when requested by a peace officer, and not driving without a valid driver's license
26 in possession and insurance.

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1 b. On or about June 29, 2005, in *People v. Jurado* (Super. Ct. Los Angeles County,
2 2005, No. 5VN02345), Respondent pleaded nolo contendere to and was convicted of two
3 misdemeanors, (1) driving under the influence of alcohol, with at least 0.08 percent of alcohol in
4 his blood, in violation of Vehicle Code section 23152, subdivision (b), and (2) hit and run, in
5 violation of Vehicle Code section 20002, subdivision (a). The convictions are based on
6 Respondent's arrest on or about June 7, 2005 after his pickup truck collided with a power pole.
7 At the time of arrest, Respondent's breath had a strong odor of an alcoholic beverage, and he
8 appeared to be intoxicated. On or about June 8, 2005, the criminal court ordered Respondent to
9 attend Alcohol Anonymous (AA) meetings twice a week. On or about June 29, 2005, the court
10 sentenced Respondent to four years' probation with terms and conditions including successful
11 completion of an eighteen-month second-offender alcohol program, not operating a motor vehicle
12 with any measurable amount of alcohol in Respondent's blood system, not refusing to take a
13 chemical/breath test for alcohol consumption when requested by a peace officer, and not driving
14 without a valid driver's license in possession and insurance.

15 c. On or about December 6, 2007, in *People v. Jurado* (Super. Ct. Los Angeles County,
16 2007, No. 7VY04921), Respondent pleaded nolo contendere to and was convicted of two
17 misdemeanors, (1) hit and run, in violation of Vehicle Code section 20002, subdivision (a), and
18 (2) driving with a licensed suspended for driving under the influence with knowledge of the
19 suspension, in violation of Vehicle Code section 14601.2, subdivision (a). The convictions are
20 based on Respondent's arrest on or about September 13, 2007 after Respondent was involved in a
21 car accident resulting in injury to another person. The criminal court sentenced Respondent to
22 three years' probation with terms and conditions including obeying all laws, and not driving
23 without a valid driver's license in possession and insurance.

24 SECOND CAUSE FOR DISCIPLINE

25 (Alcohol Use Convictions)

26 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (k)
27 in that Respondent was convicted of crimes involving alcohol use. Complainant refers to and by
28

1 this reference incorporates the allegations set forth in paragraphs 10, subparagraphs 1 through c
2 inclusive, above, as though set forth fully.

3 THIRD CAUSE FOR DISCIPLINE

4 (Alcohol Abuse)

5 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (h)
6 in that Respondent used alcohol to the extent or in a manner as to be dangerous or injurious to
7 himself and to the public. Complainant refers to and by this reference incorporates the allegations
8 set forth in paragraphs 10, subparagraphs 1 through c inclusive, above, as though set forth fully.

9 In addition, Complainant alleges:

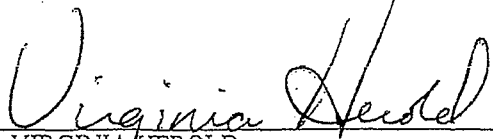
10 a. On or about February 22, 2010, Respondent was arrested for two misdemeanor
11 violations, (1) disorderly conduct for public drunkenness (Pen. Code, § 647, subd. (f)) and (2)
12 vandalism, defacing property by breaking a window (Pen. Code, § 594, subd. (b)(2)(a)). At the
13 time of arrest, Respondent smelled of alcohol and appeared to be intoxicated.

14 PRAYER

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

- 17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 59073,
18 issued to Respondent Jaime Jurado
- 19 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
20 enforcement of this case, pursuant to Code section 125.3; and
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23
24 DATED: 7/1/10


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

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