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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. 4491

**MELISE ROCHELLE JACOB
c/o California Institute for Women
Inmate Registration #WE5024
16756 Chino-Corona Road
Corona, CA 92880**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

and

**13730 E. 14th Street #A309
San Leandro, CA 94578**

Pharmacy Technician License No. TCH 119864

Respondent.

FINDINGS OF FACT

1. On or about July 9, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4491 against Melise Rochelle Jacob (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as exhibit A.)

2. On or about March 27, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 119864 to Respondent. On or about January 24, 2013, the License was suspended pursuant to Business and Professions Code section 4311. On or about May 31, 2013, the Pharmacy Technician License expired, and has not been renewed.

1 3. On or about July 12, 2013, Respondent was served by Certified and First Class Mail
2 with copies of: Accusation No. 4753; a Statement to Respondent; a Notice of Defense (2 copies);
3 a Request for Discovery; and the Discovery Statutes (Gov. Code, §§ 11507.5, 11507.6, and
4 11507.7), to what was believed to be Respondent's address of incarceration: California Institute
5 for Women, Inmate Registration #WE5024, 16756 Chino-Corona Road, Corona, CA 92880.

6 4. On or about July 22, 2013, Respondent was served by Certified and First Class Mail
7 with copies of: Accusation No. 4753; a Statement to Respondent; a Notice of Defense (2 copies);
8 a Request for Discovery; and the Discovery Statutes (Gov. Code, §§ 11507.5, 11507.6, and
9 11507.7), to Respondent's address of record, which was and is: 13730 E. 14th Street #A309, San
10 Leandro, CA 94578.

11 5. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California
12 Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes
13 thereto, are required to be reported and maintained with the Board.

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

16 7. Government Code section 11506 states, in pertinent part:

17 (c) The respondent shall be entitled to a hearing on the merits if the respondent
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts
19 of the accusation not expressly admitted. Failure to file a notice of defense shall
20 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

21 8. Respondent failed to file a Notice of Defense within 15 days after service upon her of
the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4491.

22 9. California Government Code section 11520 states, in pertinent part:

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

26 10. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing and, based on the
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as

1 taking official notice of all the investigatory reports, exhibits and statements contained therein on
2 file at the Board's offices regarding the allegations contained in Accusation No. 4491, finds that
3 the charges and allegations in Accusation No. 4491, are separately and severally, found to be true
4 and correct by clear and convincing evidence.

5 11. Taking official notice of its own internal records, pursuant to Business and
6 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
7 and Enforcement is \$1,485.00 as of October 23, 2013.

8 DETERMINATION OF ISSUES

9 1. Based on the foregoing findings of fact, Respondent Melise Rochelle Jacob has
10 subjected her Pharmacy Technician License No. TCH 119864 to discipline.

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

12 3. Pursuant to Business and Professions Code section 4300.1, any lapse in licensure by
13 expiration, cancellation, forfeiture, suspension, retirement, or voluntary surrender, does not
14 deprive the Board of jurisdiction to render a disciplinary decision.

15 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
16 License based upon the following violations alleged in the Accusation which are supported by the
17 evidence contained in the Default Decision Evidence Packet in this case.:

18 a. Respondent's License is subject to revocation pursuant to Business and Professions
19 Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16,
20 section 1770, for the conviction of substantially related crime(s), in that on or about August 1,

21 2012, in *People v. Melise Rochelle Jacob, Mark Sanders*, Case No. 12CM 7031 A/B in Kings
22 County Superior Court, Respondent was convicted of violating Penal Code section 4573.8
23 (Possession of Drug(s), Drug Paraphernalia, and/or Alcohol in a Prison, Prison Camp, Jail, or
24 Other Place or Institution Where Prisoners or Inmates are Held), a felony, and Penal Code section
25 69 (Obstructing/Resisting Officer in Performance of Duty by Threat or Violence), also a felony.

26 b. Respondent's License is subject to revocation pursuant to Business and Professions
27 Code section 4301(f) in that Respondent, as described above, committed acts involving moral
28 turpitude, dishonesty, fraud, deceit, or corruption.

1 c. Respondent's License is subject to revocation pursuant to Business and Professions
2 Code section 4301, in that Respondent, as described above, engaged in unprofessional conduct.

3
4 ORDER

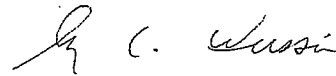
5 IT IS SO ORDERED that Pharmacy Technician License No. TCH 119864, heretofore
6 issued to Respondent Melise Rochelle Jacob, is revoked.

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

11 This Decision shall become effective on January 27, 2014.

12 It is so ORDERED ON December 27, 2013.

13 BOARD OF PHARMACY
14 DEPARTMENT OF CONSUMER AFFAIRS
15 STATE OF CALIFORNIA

16 

17 By _____
18 STAN C. WEISSER
19 Board President

20 40800074.DOC
DOJ-Matter-ID:SF2013404049

21 Attachment:
22 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
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6 Facsimile: (415) 703-5480
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. 4491

11 **MELISE ROCHELLE JACOB**
12 **c/o California Institute for Women**
13 **Inmate Registration #WE5024**
14 **16756 Chino-Corona Road**
Corona, CA 92880

A C C U S A T I O N

15 **and**

16 **13730 E. 14th Street #A309**
San Leandro, CA 94578

17 **Pharmacy Technician License No. TCH 119864**

18 **Respondent.**

19
20 **Complainant alleges:**

21 **PARTIES**

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

24 2. On or about March 27, 2012, the Board of Pharmacy issued Pharmacy Technician
25 License No. TCH 119864 to Melise Rochelle Jacob (Respondent). The Pharmacy Technician
26 License was in full force and effect at all times relevant to the charges and allegations brought
27 herein and will expire on or about May 31, 2013, unless renewed. On or about January 24, 2013,
28 the License was suspended pursuant to Business and Professions Code section 4311.

JURISDICTION

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

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

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

STATUTORY AND REGULATORY PROVISIONS

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

19 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
20 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
21 whether the act is a felony or misdemeanor or not.

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

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

27 ///

28 ///

1 9. California Code of Regulations, title 16, section 1770, provides in pertinent part that,
2 for the purpose of denial, suspension, or revocation of a personal or facility license, a crime or act
3 shall be considered substantially related to the qualifications, functions or duties of a licensee or
4 registrant if to a substantial degree it evidences present or potential unfitness of a licensee or
5 registrant to perform the functions authorized by her license or registration in a manner consistent
6 with the public health, safety, or welfare.

7 FIRST CAUSE FOR DISCIPLINE

8 (Conviction of Substantially Related Crime(s))

9 10. Respondent is subject to discipline under section 4301(l) and/or section 490 of the
10 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
11 a substantially related crime, in that on or about August 1, 2012, in the criminal case *People v.*
12 *Melise Rochelle Jacob, Mark Sanders*, Case No. 12CM 7031 A/B in Kings County Superior
13 Court, Respondent was convicted of violating Penal Code section 4573.8 (Possession of Drug(s),
14 Drug Paraphernalia, and/or Alcohol in a Prison, Prison Camp, Jail, or Other Place or Institution
15 Where Prisoners or Inmates are Held), a felony, and Penal Code section 69 (Obstructing/Resisting
16 Officer in Performance of Duty by Threat or Violence), also a felony, as follows:

17 a. On or about January 17, 2012, Respondent was charged by criminal Complaint
18 in Case No. 12CM 7031 A/B in Kings County Superior Court with four felonies

19 (1) Violation of Penal Code section 182(a)(1) (Conspiracy), a felony, alleging her
20 participation in a conspiracy to violation Penal Code section 4573.9 (Furnishing Controlled
21 Substance to Person in Jail Facility), a felony, wherein on several occasions in 2011 and
22 2012 she was alleged to have visited her co-defendant, an inmate in a state prison facility,
23 and furnished him and/or an intermediary with one or more controlled substances;

24 (2) Violation of Penal Code section 4573.6 (Possessing Controlled Substance While
25 in a State Prison Facility), a felony, based on the same facts;

26 (3) Violation of Penal Code section 4573 (Bringing or Sending, or Assisting in
27 Bringing or Sending, Controlled Substance and Device/Paraphernalia for Injecting and
28 Consuming a Controlled Substance, into State Prison), a felony; and

1 (4) Violation of Penal Code section 69 (Obstructing/Resisting Officer in Performance
2 of Duty by Threat or Violence), a felony.

3 b. On or about August 1, 2012, Respondent pleaded guilty to a (new) Count (3),
4 pursuant to Penal Code section 4573.8 (Possession of Drug(s), Drug Paraphernalia, and/or
5 Alcohol in a Prison, Prison Camp, Jail, or Other Place or Institution Where Prisoners or Inmates
6 are Held), a felony, and a (new) count (5), pursuant to Penal Code section 69 (Obstructing or
7 Resisting Officer in Performance of Duty by Threat or Violence), also a felony. Pursuant to the
8 plea, the remaining counts (counts (1), (2), and (4)) were dismissed.

9 c. On or about August 29, 2012, Respondent was sentenced to a state prison term
10 of (16) months, concurrently for counts (3) and (5), along with fines and fees.

11
12 SECOND CAUSE FOR DISCIPLINE

13 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

14 11. Respondent is subject to discipline under section 4301(f) of the Code in that
15 Respondent, as described in paragraph 10 above, committed acts involving moral turpitude,
16 dishonesty, fraud, deceit, or corruption.

17
18 THIRD CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct)

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

22
23
24 PRAYER

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

27 1. Revoking or suspending Pharmacy Technician License No. TCH 119864, issued to
28 Melise Rochelle Jacob (Respondent);

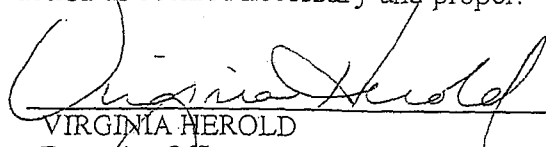
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2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: _____

7/9/13



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

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