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

In the Matter of the Accusation Against:
**JANICE T. MESUNAS
AKA JANICE TOLENTINO MESUNAS
AKA JANICE BONGOLAN MACASIO**
8586 Theodore Avenue,
Sacramento, CA 95828

Pharmacy Technician Registration No. TCH 111771

Respondent.

Case No. 4754
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 12, 2014, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4754 against Janice T. Mesunas, also known as (aka) Janice Tolentino Mesunas, aka Janice Bongolan Macasi (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

1 2. On or about December 27, 2011, the Board of Pharmacy (Board) issued Pharmacy
2 Technician Registration No. TCH 111771 to Respondent. Said registration expired on May 31,
3 2013, and has not been renewed.

4 3. On or about March 19, 2014, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 4754, Statement to Respondent, Notice of Defense, Request
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is: 8586 Theodore Avenue, Sacramento, CA 95828.

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 5. 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
17 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
18 may nevertheless grant a hearing.

19 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
20 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4754.

21 7. California Government Code section 11520 states, in pertinent part:

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

26 8. 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
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 4754, finds that

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1 the charges and allegations in Accusation No. 4754, are separately and severally, found to be true
2 and correct by clear and convincing evidence.

3 9. 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 Investigation
5 and Enforcement is \$1,462.50 as of April 16, 2014.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Janice T. Mesunas, aka Janice
8 Tolentino Mesunas, aka Janice Bongolan Macasio, has subjected her Pharmacy Technician
9 Registration No. TCH 111771 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 Evidence Packet in this case.:

14 a. Code section 4301, subdivision (l), substantially related criminal conviction
15 constituting unprofessional conduct. On or about February 26, 2013, Respondent was convicted
16 of driving under the influence of alcohol.

17 b. Code section 4301, subdivision (h), consuming alcohol in a manner or to an extent to
18 be dangerous to herself or others constituting unprofessional conduct.

19 c. Code section 4301, subdivision (o), for violating Code section 4100, subdivision (a),
20 failing to notify the Board of a change in legal name. At the time of Respondent's arrest for
21 driving under the influence, her legal name was Janice Bongolan Macasio, and she was still
22 licensed under the name Janice T. Mesunas.

23 **ORDER**

24 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 111771, heretofore
25 issued to Respondent Janice T. Mesunas, aka Janice Tolentino Mesunas, aka Janice Bongolan
26 Macasio, is revoked.

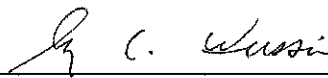
27 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
28 written motion requesting that the Decision be vacated and stating the grounds relied on within

1 seven (7) days after service of the Decision on Respondent. The agency in its discretion
2 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
3 statute.

4 This Decision shall become effective on June 6, 2014.

5 It is so ORDERED May 7, 2014.

6 BOARD OF PHARMACY
7 DEPARTMENT OF CONSUMER AFFAIRS
8 STATE OF CALIFORNIA

9 By 
10 STAN C. WEISSER
11 Board President

12
13 11328888.DOC
DOJ Matter ID:SA2013111946

14 Attachment:
15 Exhibit A: Accusation
16
17
18

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JANSEN
Deputy Attorney General
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5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4754

12 **JANICE T. MESUNAS**
13 **AKA JANICE TOLENTINO MESUNAS,**
AKA JANICE BONGOLAN MACASIO
14 **8586 Theodore Avenue**
Sacramento, CA 95828

A C C U S A T I O N

15 **Pharmacy Technician Registration No.**
16 **TCH 111771**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about December 27, 2011, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 111771 to Janice T. Mesunas, also known as (aka) Janice Tolentino
24 Mesunas, aka Janice Bongolan Macasio (Respondent). The Pharmacy Technician license was in
25 full force and effect at all times relevant to the charges brought here. The license expired on May
26 31, 2013, and has not been renewed.

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1 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
2 to the extent that the use impairs the ability of the person to conduct with safety to the public the
3 practice authorized by the license.

4 "...

5 "(f) The conviction of a crime substantially related to the qualifications, functions, and duties
6 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
7 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
8 substances or of a violation of the statutes of this state regulating controlled substances or
9 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
10 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
11 The board may inquire into the circumstances surrounding the commission of the crime, in order to
12 fix the degree of discipline or, in the case of a conviction not involving controlled substances or
13 dangerous drugs, to determine if the conviction is of an offense substantially related to the
14 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
15 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
16 of this provision. The board may take action when the time for appeal has elapsed, or the
17 judgment of conviction has been affirmed on appeal or when an order granting probation is made
18 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
19 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
20 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
21 indictment.

22 "...

23 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
24 violation of or conspiring to violate any provision or term of this chapter or of the applicable
25 federal and state laws and regulations governing pharmacy, including regulations established by the
26 board or by any other state or federal regulatory agency..."

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28 ///

1 7. Section 4100, subdivision (a) of the Code states:

2 "Within 30 days after changing his or her address of record with the board or after changing
3 his or her name according to law, a pharmacist, intern pharmacist, technician, or designated
4 representative shall notify the executive officer of the board of the change of address or change of
5 name. "

6 **COST RECOVERY**

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

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Substantially Related Criminal Conviction)**

13 9. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 section 4301, subdivision (l), in that on or about February 26, 2013, in a case in the Sacramento
15 County Superior Court entitled *People v. Janice Bongolan Macasio*, case number 12TO4640,
16 Respondent was convicted after her plea of nolo contendere to violating Vehicle Code section
17 23152, subdivision (a), operating a motor vehicle while under the influence of alcohol. The
18 circumstances are as follows:

19 10. On or about August 24, 2012, at approximately 3:30 a.m., Respondent was stopped
20 by a California Highway Patrol routine patrol vehicle and the officers noted the odor of an
21 alcoholic beverage about her person and emanating from her breath. Respondent failed the field
22 sobriety tests, and ultimately took a breath test which showed her blood alcohol to be 0.13% by
23 volume.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Use of Alcohol to an Extent or in a Manner to be Dangerous to Self or Others)**

26 11. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
27 section 4301, subdivision (h), in that she consumed alcohol to an extent to be dangerous to herself
28 or others. The circumstances are as described in paragraph 10, above.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Notify Board of Change in Name)**

3 12. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
4 section 4301, subdivision (c), for violation Code section 4100, subdivision (a) and failing to notify
5 the Board of Pharmacy of a change in legal name. The circumstances are that when Respondent
6 was arrested as described in paragraph 10, above, she was identified by her California Driver's
7 License under the name Janice Bongolan Macasio. Respondent is licensed under the name Janice
8 T. Mesunas.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Violation of Laws of Pharmacy)**

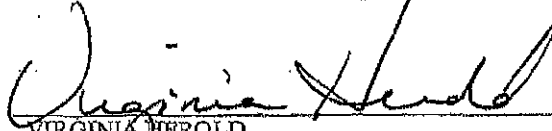
11 13. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
12 section 4301, subdivision (o), in that Respondent has violated the laws governing pharmacy as
13 described in paragraphs 9-12, above.

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 111771,
- 18 issued to Janice T. Mesunas aka Janice Janice Tolentino Mesunas, aka Janice Bongolan Macasio;
- 19 2. Ordering Janice T. Mesunas aka Janice Janice Tolentino Mesunas, aka Janice
- 20 Bongolan Macasio to pay the Board of Pharmacy the reasonable costs of the investigation and
- 21 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 22 3. Taking such other and further action as deemed necessary and proper.

23
24 DATED: 3/12/14


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

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