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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. 5264

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

**DEFAULT DECISION AND ORDER**

**Pharmacy Technician License No. TCH 124396**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 17, 2014, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5264 against Jaime Ozuna, Jr. (Respondent) before the Board of Pharmacy. (A copy of the Accusation is attached as Exhibit A.)

2. On or about June 25, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 124396 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 5264 and will expire on July 31, 2015, unless renewed.

3. On or about November 4, 2014, Respondent was served by Certified and First Class Mail with copies of: Accusation No. 5264; a Statement to Respondent; a Notice of Defense (2 copies); a Request for Discovery; and the text of the Discovery Statutes (Government Code

1 sections 11507.5, 11507.6, and 11507.7), at Respondent's address of record which was and is:  
2 1037 Chenin Blanc Street, Los Banos, CA 93635.

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

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

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

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

14 7. Respondent failed to file a Notice of Defense within 15 days after service of the  
15 Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 5264.

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

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

21 9. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
25 file at the Board's offices regarding the allegations contained in Accusation No. 5264, finds that  
26 the charges and allegations in Accusation No. 5264, are separately and severally, found to be true  
27 and correct by clear and convincing evidence.

28 10. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
and Enforcement are \$1,697.50 as of July 9, 2015.

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DETERMINATION OF ISSUES

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2       1.     Based on the foregoing findings of fact, Respondent Jaime Ozuna, Jr. has subjected  
3 his Pharmacy Technician License No. TCH 124396 to discipline.

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

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

8       a.     Respondent's License is subject to revocation pursuant to Business and Professions  
9 Code section(s) 4301(l) and/or 490, by reference to California Code of Regulations, title 16,  
10 section 1770, for the conviction of substantially related crime(s), in that on or about January 21,  
11 2014, in the criminal case *People v. Jaime Ozuna, Jr.*, Case No. SS132188A in Monterey County  
12 Superior Court, Respondent was convicted of violating Penal Code section(s) 664/288a,  
13 subdivision (b)(1) (Attempted Oral Copulation of a Person Under 18 Years Old), a felony.

14       b.     Respondent's License is subject to revocation pursuant to Business and Professions  
15 Code section 4301, in that Respondent, as stated above, engaged in unprofessional conduct.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 124396, heretofore issued to Respondent Jaime Ozuna, Jr., is revoked.

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

This Decision shall become effective on September 8, 2015.

It is so ORDERED August 7, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

41326288.DOC  
DOJ Matter ID:SF2014409485  
Attachment--Exhibit A: Accusation

# Exhibit A

Accusation

(JAIME OZUNA, JR.)

1 KAMALA D. HARRIS  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
4 State Bar No. 214663  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1299  
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. 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.

28 ///

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.

11  
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 (1) 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).

7  
8 SECOND CAUSE FOR DISCIPLINE

9 (Unprofessional Conduct)

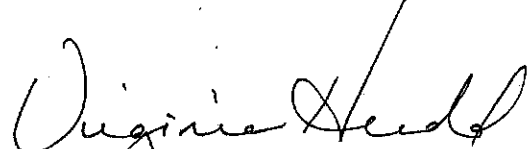
10 12. Respondent is subject to discipline under section 4301 of the Code in that, as  
11 described in paragraph 11 above, Respondent engaged in unprofessional conduct.

12  
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.

21  
22 DATED: 10/17/14

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

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