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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**JAESON DANIEL ROSA**  
1398 Mistyridge Place  
Chula Vista, CA 91913

Vocational Nurse License No. VN 263259

Respondent.

Case No. 1002563885

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 2, 2017, Complainant Kameka Brown, PhD, MBA, NP, in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, filed Accusation No. 1002563885 against Jaeson Daniel Rosa (Respondent) before the Board of Vocational Nursing and Psychiatric Technicians. (Accusation attached as Exhibit A.)

2. On or about December 14, 2011, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 263259 to Respondent. The Vocational Nurse License expired on July 31, 2015, and has not been renewed.

1           3.     On or about February 3, 2017, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 1002563885, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
5 Code section 136, is required to be reported and maintained with the Board. Respondent's  
6 address of record was and is:

7     1398 Mistyridge Place  
8     Chula Vista, CA 91913

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

12           5.     On or about March 6, 2017, the aforementioned documents were returned by the U.S.  
13 Postal Service marked "Unclaimed."

14           6.     Government Code section 11506(c) states, in pertinent part:

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

20           7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
22 1002563885.

23           8.     California Government Code section 11520(a) states, in pertinent part:

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

28           9.     Pursuant to its authority under Government Code section 11520, the Board finds  
Respondent is in default. The Board will take action without further hearing and, based on the  
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

1 file at the Board's offices regarding the allegations contained in Accusation No. 1002563885,  
2 finds that the charges and allegations in Accusation No. 1002563885, are separately and  
3 severally, found to be true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and  
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
6 and Enforcement is \$1,327.50 as of April 12, 2017.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Jaeson Daniel Rosa has  
9 subjected his Vocational Nurse License No. VN 263259 to discipline.

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

11 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke  
12 Respondent's Vocational Nurse License based upon the following violations alleged in the  
13 Accusation which are supported by the evidence contained in the Default Decision Evidence  
14 Packet in this case:

15 a. Business and Professions Code sections 490, 2878(f) and/or 2878.5(c): conviction of  
16 substantially related crime;

17 b. Business and Professions Code section 2878.5(b): illegal use of alcohol posing danger  
18 to the public;

19 c. Business and Professions Code section 2878(a) and California Code of Regulations,  
20 title 16, sections 2504.1 and 2518.6(b)(5): failure to respond to Board inquiry;

21 d. Business and Professions Code section 2878(a) and California Code of Regulations,  
22 title 16, sections 2518.6(b)(4): substance abuse; and

23 e. Business and Professions Code section 2878(a): unprofessional conduct.

24 ORDER

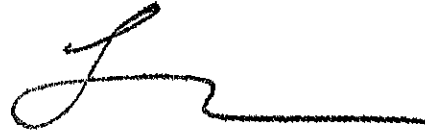
25 IT IS SO ORDERED that Vocational Nurse License No. VN 263259, heretofore issued to  
26 Respondent Jaeson Daniel Rosa, is revoked.

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 may  
2 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on JUL 13 2017.

4 It is so ORDERED JUN 02 2017

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8 FOR THE BOARD OF VOCATIONAL NURSING  
9 AND PSYCHIATRIC TECHNICIANS  
10 DEPARTMENT OF CONSUMER AFFAIRS

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Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

(JAESON DANIEL ROSA)

1 XAVIER BECERRA  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 CHAR SACHSON  
Deputy Attorney General  
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*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 1002563885

11 **JAESON DANIEL ROSA**  
12 **1398 Mistyridge Place**  
13 **Chula Vista, CA 91913**

**ACCUSATION**

14 Vocational Nurse License No. VN 263259

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Kameka Brown, PhD, MBA, NP (Complainant) brings this Accusation solely in her  
20 official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric  
21 Technicians, Department of Consumer Affairs.

22 2. On or about December 14, 2011, the Board of Vocational Nursing and Psychiatric  
23 Technicians issued Vocational Nurse License Number VN 263259 to Jaeson Daniel Rosa  
24 (Respondent). The Vocational Nurse License expired on July 31, 2015, and has not been  
25 renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric  
28 Technicians (Board), Department of Consumer Affairs, under the authority of the following laws.

1 All section references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 2875 of the Code provides, in pertinent part, that the Board of Vocational  
3 Nursing and Psychiatric Technicians ("Board") may discipline the holder of a vocational nurse  
4 license for any reason provided in Article 3 (commencing with section 2875) of the Vocational  
5 Nursing Practice Act.

6 5. Section 118, subdivision (b), of the Code provides that the expiration of a license shall  
7 not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within  
8 which the license may be renewed, restored, reissued or reinstated.

9 STATUTORY AND REGULATORY PROVISIONS

10 6. Section 2878 of the Code states:

11 "The Board may suspend or revoke a license issued under this chapter [the Vocational  
12 Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

13 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

14 . . .

15 "(f) Conviction of a crime substantially related to the qualifications, functions, and duties of  
16 a licensed vocational nurse, in which event the record of the conviction shall be conclusive  
17 evidence of the conviction.

18 . . ."

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

23 8. Section 2878.5 of the Code states:

24 "In addition to other acts constituting unprofessional conduct within the meaning of this  
25 chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed  
26 under this chapter to do any of the following:

27 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed  
28 physician and surgeon, dentist or podiatrist administer to himself or herself or furnish or administer

1 to another, any controlled substance as defined in Division 10 of the Health and Safety Code, or  
2 any dangerous drug as defined in Section 4022.

3 "(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code,  
4 or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a  
5 manner dangerous or injurious to himself or herself, any other person, or the public, or to the  
6 extent that the use impairs his or her ability to conduct with safety to the public the practice  
7 authorized by his or her license.

8 "(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous  
9 drug, or the prescription, consumption, or self-administration of any of the substances described in  
10 subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive  
11 evidence thereof.

12 "(d) Be committed or confined by a court of competent jurisdiction for intemperate use of  
13 or addiction to the use of any of the substances described in subdivisions (a) and (b) of this section,  
14 in which event the court order of commitment or confinement is prima facie evidence of that  
15 commitment or confinement.

16 "(e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any  
17 hospital, patient, or other record pertaining to narcotics or dangerous drugs as specified in  
18 subdivision (b)."

19 9. Section 2878.6 of the Code states:

20 "A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a  
21 charge substantially related to the qualifications, functions and duties of a licensed vocational nurse  
22 is deemed to be a conviction within the meaning of this article. The board may order the license  
23 suspended or revoked, or may decline to issue a license, when the time for appeal has elapsed, or  
24 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
25 made suspending the imposition of sentence, irrespective of a subsequent order under the  
26 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his plea of guilty  
27 and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,  
28 information or indictment."





1 more blood alcohol). The circumstances are that on or about October 5, 2015, on Foam Street in  
2 Monterey, California, Respondent caught the attention of a police officer when he slammed on his  
3 brakes so suddenly that his tires screeched loudly and smoked. Respondent was stopped, and the  
4 arresting officer observed an odor of alcohol and burnt rubber. Respondent's movements were  
5 deliberate and slow, his speech was slurred, and his eyes were droopy and bloodshot. His blood  
6 alcohol measured .27.

7 SECOND CAUSE FOR DISCIPLINE

8 (ILLEGAL USE OF ALCOHOL POSING DANGER TO PUBLIC)

9 14. Respondent is subject to disciplinary action under section 2878.5(b) in that he used  
10 alcohol in a manner dangerous to himself or others, as alleged above in paragraph 13.

11 THIRD CAUSE FOR DISCIPLINE

12 (FAILURE TO RESPOND TO BOARD INQUIRY)

13 15. Respondent is subject to disciplinary action under section 2878(a) and California Code  
14 of Regulations, title 16, sections 2504.1 and 2518.6(b)(5), in that he failed to respond to Board  
15 inquiries regarding his criminal history. The circumstances are that on or about October 6, 2015  
16 and November 29, 2016, the Board sent letters to Respondent asking for information regarding his  
17 arrests and convictions. Respondent failed to respond.

18 FOURTH CAUSE FOR DISCIPLINE

19 (SUBSTANCE ABUSE)

20 16. Respondent is subject to disciplinary action under section 2878(a) and California Code  
21 of Regulations, title 16, section 2518.6(b)(4) in that he failed to abstain from substance abuse, as  
22 alleged above in paragraphs 13 and 14.

23 FIFTH CAUSE FOR DISCIPLINE

24 (UNPROFESSIONAL CONDUCT)

25 17. Respondent is subject to disciplinary action under section 2878(a) in that he acted  
26 unprofessionally, as alleged above in paragraphs 13 through 16.

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28 ///

DISCIPLINARY CONSIDERATIONS

18. As relevant to discipline, if any, Complainant alleges that on or about November 3, 2005, Respondent was convicted of violating Penal Code section 23152(a) (driving under the influence of alcoholic beverages) in the San Diego Superior Court in *The People v. Jaeson D. Rosa*, case number M969059.

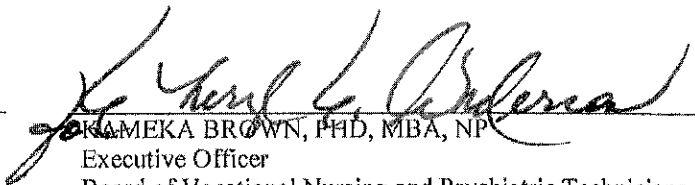
19. As relevant to discipline, if any, Complainant alleges that on or about August 2, 1995, Respondent was convicted by a plea of nolo contendere of violating Penal Code sections 12500(a) (driving without a license) and 23103 (reckless driving) in the Los Angeles Superior Court, Santa Clarita Courthouse, in *The People v. Jaeson D. Rosa*, case number 95TO1024.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians issue a decision:

- 1. Revoking or suspending Vocational Nurse License Number VN 263259, issued to Jaeson Daniel Rosa;
- 2. Ordering Jaeson Daniel Rosa to pay the Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 2/2/17



KAMEKA BROWN, PHD, MBA, NP  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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