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

11 In the Matter of the Accusation Against:

Case No. 3610

12 **CEDRIC GERARD JONES, II**
13 **803 Knights Circle**
Vallejo, CA 94591
14 **Pharmacy Technician License No. TCH**
70464

A C C U S A T I O N

15 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about June 2, 2008, the Board issued Pharmacy Technician License Number
23 TCH 70464 to Cedric Gerard Jones, II (Respondent). The Pharmacy Technician License was in
24 full force and effect at all times relevant to the charges brought herein and will expire on October
25 31, 2011, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 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 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
11 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
12 disciplinary action during the period within which the license may be renewed, restored, reissued
13 or reinstated.

14 **STATUTORY AND REGULATORY PROVISIONS**

15 7. Section 4301 of the Code states:

16 "The board shall take action against any holder of a license who is guilty of unprofessional
17 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
18 Unprofessional conduct shall include, but is not limited to, any of the following:

19 ...
20 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the
24 practice authorized by the license.

25 ...
26 "(k) The conviction of more than one misdemeanor or any felony involving the use,
27 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
28 combination of those substances.

1 “(l) The conviction of a crime substantially related to the qualifications, functions, and
2 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
3 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
4 substances or of a violation of the statutes of this state regulating controlled substances or
5 dangerous drugs shall be conclusive evidence of unprofessional conduct. . . . A plea or verdict of
6 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the
7 meaning of this provision.”

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

12 9. California Code of Regulations, title 16, section 1770, states:

13 “For the purpose of denial, suspension, or revocation of a personal or facility license
14 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
15 crime or act shall be considered substantially related to the qualifications, functions or duties of a
16 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
17 licensee or registrant to perform the functions authorized by his license or registration in a manner
18 consistent with the public health, safety, or welfare.”

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

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct: Using Alcohol in a Dangerous Manner)**

25 11. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
26 he used alcohol in a manner dangerous or injurious to himself and the public. On or about May
27 28, 2008, Respondent was arrested on I-80 eastbound east of Lynch Road in Solano County,
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1 California, for driving under the influence of alcohol. Respondent failed field sobriety tests and
2 his blood alcohol level was determined to be 0.179%.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct: Conviction of a Felony Involving Use of Alcohol)**

5 12. Respondent is subject to disciplinary action under section 4301(k) of the Code in that
6 on or about October 17, 2008, in a criminal proceeding entitled *The People of the State of*
7 *California v. Cedric Gerard Jones, II*, in Solano County Superior Court, Case Number
8 FCR255868, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code
9 section 23152(b) (driving with blood alcohol level of 0.08% or above) with three prior
10 convictions, a felony. Respondent was sentenced to three years of probation and ordered to pay
11 fines in the amount of \$2,534.00.

12 The circumstances of the conviction were that on or about May 28, 2008, Respondent was
13 stopped by police officers on I-80 eastbound east of Lynch Road in Solano County, California,
14 after it was determined that his vehicle was traveling at 85 miles per hour. The officers made an
15 enforcement stop, contacted Respondent, and observed objective signs and symptoms of alcohol
16 intoxication about him. Respondent failed field sobriety tests and his blood alcohol level was
17 determined to be 0.179%.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Unprofessional Conduct: Criminal Conviction)**

20 13. Respondent is subject to disciplinary action under section 4301(1) and/or section 490
21 of the Code, by reference to California Code of Regulations, title 16, section 1770, in that on or
22 about October 17, 2008, in a criminal proceeding entitled *The People of the State of California v.*
23 *Cedric Gerard Jones, II*, in Solano County Superior Court, Case Number FCR255868,
24 Respondent was convicted by his plea of nolo contendere of violating Vehicle Code section
25 23152(b) (driving with blood alcohol level of 0.08% or above) with three prior convictions, a
26 felony. Respondent was sentenced to three years of probation and ordered to pay fines in the
27 amount of \$2,534.00.

1 The circumstances of the conviction were that on or about May 28, 2008, Respondent was
2 stopped by police officers on I-80 eastbound east of Lynch Road in Solano County, California,
3 after it was determined that his vehicle was traveling at 85 miles per hour. The officers made an
4 enforcement stop, contacted Respondent, and observed objective signs and symptoms of alcohol
5 intoxication about him. Respondent failed field sobriety tests and his blood alcohol level was
6 determined to be 0.179%.

7 14. Respondent is further subject to disciplinary action under section 4301(I) and/or
8 section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, in
9 that on or about November 4, 2008, in a criminal proceeding entitled *The People of the State of*
10 *California v. Cedric Gerard Jones, II*, in Napa County Superior Court, Case Number CR142717,
11 Respondent pleaded guilty to violating Vehicle Code section 14601.5(a) (driving with a
12 suspended license) with one prior conviction, a misdemeanor. Respondent was sentenced to two
13 years of probation and ordered to pay fines in the amount of \$1,720.00.

14 The circumstances of the conviction were that on or about September 10, 2008, Respondent
15 was stopped by a police officer on Shennandoah Drive in American Canyon, California, for
16 expired registration. The officer contacted Respondent, ran a DMV database check of his license,
17 and discovered that it was suspended.

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19 **PRAYER**

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

22 1. Revoking or suspending Pharmacy Technician License Number TCH 70464 issued to
23 Cedric Gerard Jones, II;

24 2. Ordering Cedric Gerard Jones, II to pay the Board the reasonable costs of the
25 investigation and enforcement of this case pursuant to section 125.3 of the Code;

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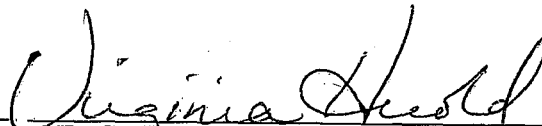
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3. Taking such other and further action as deemed necessary and proper.

DATED:

7/1/10



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

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