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

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 5824

12 **JONATHAN ANTHONY DEANADOLPH**

**STATEMENT OF ISSUES**

13 **Pharmacy Technician Registration**  
14 **Applicant**

15 Respondent.

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19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Statement of Issues solely in his official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about September 15, 2015, the Board of Pharmacy, Department of Consumer  
24 Affairs received an application for a Pharmacy Technician Registration from Jonathan Anthony  
25 Deanadolph (Respondent). On or about July 18, 2015, Jonathan Anthony Deanadolph certified  
26 under penalty of perjury to the truthfulness of all statements, answers, and representations in the  
27 application. The Board denied the application on February 26, 2016.
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## JURISDICTION

3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

### STATUTORY PROVISIONS

4. Section 480 of the Code states in relevant part:

“(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

“(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

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“(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

“(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions, or duties of the business or profession for which application is made.”

5. Section 482 states:

“Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

“(a) Considering the denial of a license by the board under Section 480; or

“(b) Considering suspension or revocation of a license under Section 490.

1 "Each board shall take into account all competent evidence of rehabilitation furnished by  
2 the applicant or licensee."

3 6. Section 493 states:

4 "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
5 the department pursuant to law to deny an application for a license or to suspend or revoke a  
6 license or otherwise take disciplinary action against a person who holds a license, upon the  
7 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
8 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
9 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
10 and the board may inquire into the circumstances surrounding the commission of the crime in  
11 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
12 qualifications, functions, and duties of the licensee in question. As used in this section, "license"  
13 includes "certificate," "permit," "authority," and "registration."

14 **REGULATORY PROVISION**

15 7. California Code of Regulations, title 16, section 1770, states:

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

22 **FIRST CAUSE FOR DENIAL OF APPLICATION**

23 **(Conviction of a Substantially Related Crime)**

24 8. Respondent's application for a Pharmacy Technician Registration is subject to denial  
25 under Code sections 480, subdivision (a)(1), 480, subdivision (a)(3) and California Code of  
26 Regulations, title 16, section 1770, in that he was convicted of a crime that is substantially related  
27 to the qualifications, duties, and functions of a registered pharmacy technician. The  
28 circumstances are as follows:

1 a. On or about February 9, 2009 in a criminal proceeding entitled *United States of*  
2 *America v. Chancey Terrel Fuller, et. al.* (United States District Court, Central District of  
3 California, 2009, No. 08-240(A)-JFW), Respondent was convicted of one felony count of  
4 violating 21 U.S.C. section 843, subdivision (b) [Use of a Communication Facility in Committing  
5 a Felony Drug Offense]. Respondent was placed on probation for four (4) years with terms and  
6 conditions. On February 8, 2013 Respondent completed his supervision and was no longer  
7 required to report to the U.S. Probation Office.

8 b. The circumstances underlying this conviction is that beginning on an unknown  
9 date and continuing until on or about March 2008, Respondent conspired and agreed with as  
10 many as six or more others to knowingly and intentionally possess and distribute 1,000 kilograms  
11 (2,204.62 pounds) or more of marijuana. The marijuana was obtained from various drug  
12 suppliers and then distributed to customers in Ohio and elsewhere. Respondent assisted with the  
13 packaging of the marijuana that was distributed. On or about September 10, 2007, Respondent  
14 was instructed to place thirty-six (36) pounds of marijuana into a box and prepare it for  
15 transportation. On or about September 13, 2007, Respondent was instructed to pick up \$200 as  
16 payment for the work he performed. As a result of these actions, Respondent was charged with  
17 violating 21 U.S.C. sections 846; 841, subdivision (a)(1); and 841, subdivision (b)(1)(A)  
18 [Conspiracy to Distribute and Possess with Intent to Distribute Marijuana]; 18 U.S.C. sections  
19 1956, subdivision (h) and 1956, subdivision (a)(1) [Conspiracy to Money Launder]; 21 U.S.C.  
20 section 843, subdivision (b) [Use of a Communication Facility in Committing a Felony Drug  
21 Offense]; and 21. U.S.C. section 853 [Criminal Forfeiture]. Respondent pled guilty to violating  
22 21 U.S.C. section 843, subdivision (b) [Use of a Communication Facility in Committing a Felony  
23 Drug Offense] and was placed on probation.

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PRAYER

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

1. Denying the application of Jonathan Anthony Deanadolph for a Pharmacy Technician Registration;

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

DATED: \_\_\_\_\_

8/22/16

*Virginia Herold*

VIRGINIA HEROLD

Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

*Complainant*

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