

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

In the Matter of the Accusation Against:

JAMES PAUL LEONARD  
750 Laura Lane  
Hanford, California 93230

Registered Pharmacist No. 35931

Respondent.

Case No. 2545

OAH No. N2003110264

**PROPOSED DECISION**

On March 2, 2004, in Fresno, California, Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Michael J. Fielding, Deputy Attorney General, represented the complainant.

Gary L. Paden, Attorney at Law, represented respondent James Paul Leonard.

Evidence was received, the record was closed and the matter was submitted.

**FACTUAL FINDINGS**

1. Patricia F. Harris, Executive Officer of the Board of Pharmacy (Board) filed the Accusation against respondent. She acted in her official capacity.

2. On or about September 19, 1980, the Board issued Registered Pharmacist License Number 35931 to respondent. It has been in full force and effect at all times since issued and will expire on September 30, 2004, unless renewed.

3. On or about May 18, 2001, in the Superior Court, County of Kings, State of California, in the matter entitled *People v. James Paul Leonard*, case number 00CM2232, respondent was convicted on his plea of nolo contendere of a violation of Penal Code section 417(b), brandishing a loaded firearm, a felony. Respondent's crime is substantially related to the qualifications, functions and duties of the licensed activity.

The facts and circumstances of respondent's crime are that at about 10:30 p.m. on the evening of October 5, 2000, in Hanford, California, respondent exchanged words with a woman, "April", who was sitting in a car in front of a mini-mart. He became enraged and began pounding on the hood of the car and the woman in the car began to scream. When the owners of the car, Harold and Sharon Davis, came out of the store in response to the screaming, respondent was yelling inarticulately. Respondent pulled a loaded, sawed off shotgun out of his pickup truck and threatened all three. Both the barrel and the stock of the shotgun were sawed off and it was loaded with 00 buckshot; making it a very lethal weapon. April got out of the car. Respondent pointed the shotgun at all three and they ran around a corner of the building.

After a while, respondent quieted down and put the shotgun back into his vehicle. When Harold Davis attempted to retrieve the shotgun from respondent's vehicle, respondent attacked him. Eventually Harold Davis was able to secure the shotgun and turn it over to the store clerk for safekeeping. Respondent again attacked Harold Davis and during the ensuing struggle Davis hit respondent in the face a few times and knocked him down.

When the police officers arrived, respondent was lying on the sidewalk in front of the mini-mart and the shotgun was lying in the entrance doorway. Respondent was taken by ambulance to the hospital to be checked, then was arrested by the police. In his pockets were found a box of 00 shotgun shells and a large knife.

4. On or about May 18, 2001, in the Superior Court, County of Kings, State of California, in the matter entitled *People v. James Paul Leonard*, case number 01CM1155, respondent was convicted on his plea of nolo contendere of a violation of Penal Code section 1489a), resisting arrest, a misdemeanor. Respondent's crime is substantially related to the qualifications, functions and duties of the licensed activity.

The facts and circumstances of respondent's crime are that on May 1, 2001, respondent refused to obey and physically resisted when a police officer attempted to arrest him on an outstanding warrant. Respondent was subdued through the use of a chemical agent and the efforts of several Hanford Police Officers and Kings County Sheriff's Deputies.

5. Respondent is married and lives in Visalia, California. He graduated from Pomona College in 1975, from University of the Pacific in 1980 with a doctor of pharmacy degree and from medical school in Guadalajara, Mexico in 1984. He completed a medical internship at Saint Vincent's Hospital on Staten Island in New York. He was licensed in California as a pharmacist in 1980 and has worked as a pharmacist since then except during

the time he was in prison. He has worked as a relief pharmacist at various places in the San Joaquin Valley area since being released from prison in April of 2003.

After his criminal convictions, respondent was in prison from October of 2001 until April 24, 2003 and will be on parole until April of 2006. He has at least weekly contact with his parole officer. He is subject to random drug tests. As part of his parole, he has sessions with a psychiatrist every two weeks and takes various medications, as prescribed, including anti-depressants and a minor tranquilizer. He feels his treatment by the psychiatrist is helping him because he has not experienced substantial anxiety, depression or untoward anger recently. He was also under psychiatric care when the crimes occurred.

Respondent expressed remorse for his crimes but then attempted to blame the victims for what occurred at the mini-mart and the police for the injuries he suffered in the fight with Harold Davis. He blamed the judge who sentenced him to prison for not informing him that he could go to prison if he pleaded nolo contendere to the felony brandishing charge. Respondent admitted buying the shotgun from an individual and sawing it off to make it easier to transport. Although possession of a sawed off shotgun is illegal, he argued that carrying it loaded was possibly justifiable because he lived in a bad part of Hanford, California but at another point admitted that carrying it in his truck was symptomatic of his psychiatric problems which caused him to be suspicious.

6. Respondent's crimes are relatively recent; include a very serious situation where he threatened the lives of others with a sawed off shotgun and an incident where he physically resisted arrest. He fails to understand and accept responsibility for his actions and instead blames others. In addition, he is still on parole and will be for two more years.

7. The Board entered into evidence a Certification of Costs for the investigation and prosecution of this matter through the filing of Accusation. The total certified costs were \$2,884.

## LEGAL CONCLUSIONS

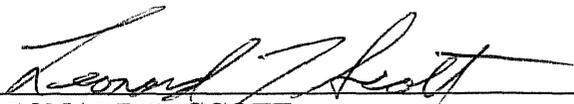
1. Cause for discipline of respondent's license was established for unprofessional conduct in violation of Business and Professions Code section 4301(1), as found in Finding 3 and 4, and respondent has not rehabilitated himself, as found in Findings 5 and 6.

2. Pursuant to Business and Professions Code section 125.3, if a licensee is found to have committed a violation or violations, the Board can recover its reasonable costs of investigation and enforcement. In this case the reasonable costs of investigation and enforcement were \$2,884, as found in Finding 7.

ORDER

1. The license issued to respondent James Paul Leonard is revoked, pursuant to Legal Conclusion number 1.
2. Respondent shall pay \$2,884 to the Board for the reasonable costs of investigation and enforcement pursuant to Legal Conclusion number 2.

Dated: March 26, 2004

  
LEONARD L. SCOTT  
Administrative Law Judge  
Office of Administrative Hearings

BEFORE THE  
BOARD OF PHARMACY  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

JAMES P. LEONARD  
3005 W. Mary Avenue  
Visalia, CA 93277

Respondent.

File No. 2545

OAH No. N2003110264

**DECISION**

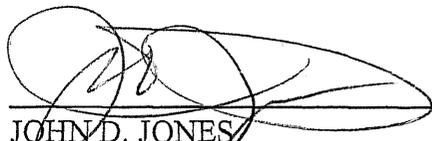
The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This Decision shall become effective on June 4, 2004.

IT IS SO ORDERED May 5, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
JOHN D. JONES  
Board President

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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2545

12 JAMES PAUL LEONARD  
750 Laura Lane  
13 Hanford, CA 93230

**A C C U S A T I O N**

14 Registered Pharmacist No. 35931

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

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

22 2. On or about September 19, 1980, the Board of Pharmacy issued Registered  
23 Pharmacist License Number 35931 to James Paul Leonard (Respondent). The Registered  
24 Pharmacist License was in full force and effect at all times relevant to the charges brought herein  
25 and will expire on September 30, 2002, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board), under  
28 the authority of the following sections of the Business and Professions Code (Code).



