

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:
JONATHAN ALLEN GAMOND
12543 Chadwell Street
Lakewood, CA 90715

**Pharmacy Technician Registration No. TCH
38235**

Respondent.

Case No. 3503
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 10, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3503 against Jonathan Allen Gamond (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about June 12, 2001, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 38235 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2011, unless renewed.
3. On or about August 19, 2010, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3503, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code

1 section 136 and/or agency specific statute or regulation, is required to be reported and maintained
2 with the Board, which was and is 12543 Chadwell Street, Lakewood, CA 90715.

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

6 5. On or about August 23, 2010, the U.S. Postal Service returned the certified mail
7 postal return card confirming delivery of the Accusation and service package sent by certified
8 mail to the address of record. The card was signed by a "Jessica Gamond." The first class mailing
9 was not returned and presumed delivered to the addressee.

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

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 3503.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
27 as well as taking official notice of all the investigatory reports, exhibits and statements contained
28 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3503,
finds that the charges and allegations in Accusation No. 3503, are separately and severally true
and correct by clear and convincing evidence.

1 flashed a light at them and searched them. When the companion asked to see a badge, Respondent
2 punched her and knocked her down – then pulled and dragged the victim into his vehicle.
3 Respondent then drove to a secluded area, where he forced the victim to orally copulate him and
4 committed other acts of sexual assault. He then released her. Several hours later, the victim
5 reported that she had been kidnapped and raped by Respondent. Later, when Los Angeles County
6 Sheriff's Department Officers identified and arrested Respondent, Respondent waived rights and
7 gave a statement admitting involvement in the incident.
8

9 **CARRYING A LOADED FIREARM (MISDEMEANOR - 1998)**

10 (3) On or about August 03, 1998, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Penal Code section 12094 [buying a handgun
12 without identification mark]; and one misdemeanor count of violating Penal Code section 12031,
13 subdivision (a) [carrying a loaded firearm in a public place], in the criminal proceeding entitled
14 *The People of the State of California v. Jonathan Allen Gamond* (Super. Ct. Orange County,
15 1998, No. CY98WM00815). Respondent was placed on probation for a period of 3 years and
16 fined.
17

18 (4) The circumstances of the conviction are that on or about October 24, 1997,
19 Respondent purchased a handgun without an identification mark and also had in his possession a
20 loaded firearm in a public place, endangering the general public.
21

22 **VANDALISM (MISDEMEANOR - 1997)**

23 (5) On or about August 18, 1997, after pleading nolo contendere, Respondent was
24 convicted of one misdemeanor count of violating Penal Code section 594, subdivision (a)
25 [vandalism under \$400 damage], in the criminal proceeding entitled *The People of the State of*
26 *California v. Jonathan Allen Gamond* (Super. Ct. Los Angeles County, 1997, No. 7DW05780).
27 Respondent was placed on probation for a period of 36 months.
28

(6) The circumstances surrounding the conviction are that on or about June 1,

1 1997, Respondent used a crowbar to pry open lockers belonging to the Downey Unified School
2 District.

3 b. Respondent is subject to disciplinary action under section 4301, subdivision (f),
4 in that Respondent was convicted of crimes involving dishonest acts when, as described more
5 fully above, he purchased a handgun without identification mark, when he was found carrying a
6 loaded firearm in a public place, and when he vandalized the lockers belonging to Downey
7 Unified School District. Additional dishonest acts underlying his 2009 convictions for violent
8 sexual acts include his impersonation of a police officer.

9
10 c. Respondent is subject to disciplinary action under section 4301, subdivision (p),
11 in that Respondent was convicted of crimes, as more fully described above, involving conduct
12 and actions that would have warranted denial of a license.

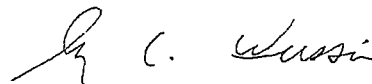
13 ORDER

14
15 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 38235, heretofore
16 issued to Respondent Jonathan Allen Gamond, is revoked.

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

21 This Decision shall become effective on March 28, 2011.

22 It is so ORDERED February 25, 2011.

23 

24
25

STANLEY C. WEISSER, BOARD PRESIDENT
26 FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

27 60569274.DOC
DOJ Matter ID:LA2009604467

28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 SUSAN MELTON WILSON
Deputy Attorney General
4 State Bar No. 106902
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-4942
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **JONATHAN ALLEN GAMOND**
12543 Chadwell Street
13 Lakewood, CA 90715
14
15 Pharmacy Technician Registration
No. TCH 38235
16
17 Respondent.

Case No. 3503

ACCUSATION

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, Department of Consumer Affairs.
22 2. On or about June 12, 2001, the Board of Pharmacy (Board) issued Pharmacy
23 Technician Registration No. TCH 38235 to Jonathan Allen Gamond (Respondent). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on January 31, 2011, unless renewed.

26 **JURISDICTION**

- 27 3. This Accusation is brought before the Board, under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
3 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 490 states, in pertinent part:

6 “(a) In addition to any other action that a board is permitted to take against a licensee, a
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
9 or profession for which the license was issued.

10 “(b) Notwithstanding any other provision of law, a board may exercise any authority to
11 discipline a licensee for conviction of a crime that is independent of the authority granted under
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
13 of the business or profession for which the licensee's license was issued.

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

20 6. Section 4300 states that “[e]very license issued may be suspended or revoked.”

21 7. Section 4301 states, in pertinent part:

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

25

26 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
27 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
28 whether the act is a felony or misdemeanor or not.

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

9
10 “(p) Actions or conduct that would have warranted denial of a license.”

11 **REGULATORY PROVISIONS**

12 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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 **COST RECOVERY**

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

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Multiple Convictions For Substantially Related Crimes)**

26 10. Respondent is subject to disciplinary action under section 490, in conjunction with
27 California Code of Regulations, title 16, section 1770, and section 4301, subdivision (l), in that
28 Respondent was convicted of multiple crimes substantially related to the qualifications, functions

1 or duties of a pharmacy technician, as described below. Each conviction provides an independent
2 basis for disciplinary action.

3 **FORCIBLE ORAL COPULATION (THREE COUNTS) (FELONY - 2009)**
4 **PENETRATION BY FOREIGN OBJECT (FELONY - 2009)**

5 A. On or about June 24, 2009, after pleading nolo contendere, Respondent was
6 convicted of one felony count of violating Penal Code section 289, subdivision (a)(1) [penetration
7 by foreign object]; one felony count of violating Penal Code section 288a, subdivision (c)(2)
8 [forcible oral copulation]; one felony count of violating Penal Code section 288a, subdivision
9 (c)(2) [forcible oral copulation]; and one felony count of violating Penal Code section 288a,
10 subdivision (c)(2) [forcible oral copulation], in the criminal proceeding entitled *The People of the*
11 *State of California v. Jonathan Allen Gamond* (Super. Ct. Los Angeles County, 2009, No.
12 VA109281). Respondent was sentenced to 30 years in Los Angeles County Jail and fined.

13
14 B. The circumstances surrounding the conviction are that on or about January 23,
15 2009, Respondent approached the victim and a companion, pretending to be a police officer. He
16 flashed a light at them and searched them. When the companion asked to see a badge, Respondent
17 punched her and knocked her down – then pulled and dragged the victim into his vehicle.
18 Respondent then drove to a secluded area, where he forced the victim to orally copulate him and
19 committed other acts of sexual assault. He then released her. Several hours later, the victim
20 reported that she had been kidnapped and raped by Respondent. Later, when Los Angeles County
21 Sheriff's Department Officers identified and arrested Respondent, Respondent waived rights and
22 gave a statement admitting involvement in the incident.
23

24 **CARRYING A LOADED FIREARM (MISDEMEANOR - 1998)**

25 C. On or about August 03, 1998, after pleading nolo contendere, Respondent was
26 convicted of one misdemeanor count of violating Penal Code section 12094 [buying a handgun
27 without identification mark]; and one misdemeanor count of violating Penal Code section 12031,
28

1 subdivision (a) [carrying a loaded firearm in a public place], in the criminal proceeding entitled
2 *The People of the State of California v. Jonathan Allen Gamond* (Super. Ct. Orange County,
3 1998, No. CY98WM00815). Respondent was placed on probation for a period of 3 years and
4 fined.

5 D. The circumstances of the conviction are that on or about October 24, 1997,
6 Respondent purchased a handgun without an identification mark and also had in his possession a
7 loaded firearm in a public place, endangering the general public.

8
9 **VANDALISM (MISDEMEANOR - 1997)**

10 E. On or about August 18, 1997, after pleading nolo contendere, Respondent was
11 convicted of one misdemeanor count of violating Penal Code section 594, subdivision (a)
12 [vandalism under \$400 damage], in the criminal proceeding entitled *The People of the State of*
13 *California v. Jonathan Allen Gamond* (Super. Ct. Los Angeles County, 1997, No. 7DW05780).
14 Respondent was placed on probation for a period of 36 months.

15 F. The circumstances surrounding the conviction are that on or about June 1,
16 1997, Respondent used a crowbar to pry open lockers belonging to the Downey Unified School
17 District.

18
19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Dishonest Acts)**

21 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
22 that Respondent was convicted of crimes involving dishonest acts when he purchased a handgun
23 without identification mark, when he was found carrying a loaded firearm in a public place, and
24 when he vandalized the lockers belonging to Downey Unified School District. Additionally,
25 dishonest acts underlying his 2009 convictions for violent sexual acts included impersonation of a
26 police officer. Complainant refers to, and by this reference incorporates, the allegations of
27 paragraph 10, subparagraphs (A) through (F) as though fully set forth.

1 THIRD CAUSE FOR DISCIPLINE

2 (Conduct that Would Have Warranted Denial of a License)

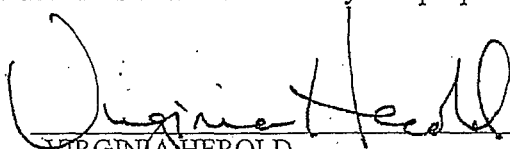
3 12. Respondent is subject to disciplinary action under section 4301, subdivision (p), in
4 that Respondent was convicted of crimes involving conduct and actions that would have
5 warranted denial of a license. Complainant refers to, and by this reference incorporates, the
6 allegations of paragraph 10, subparagraphs (A) through (F) as though fully set forth.

7 PRAYER

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

- 10 1. Revoking or suspending Pharmacy Technician Registration No. TCH 38235, issued
11 to Jonathan Allen Gamond;
- 12 2. Ordering Jonathan Allen Gamond to pay the Board the reasonable costs of the
13 investigation and enforcement of this case, pursuant to Business and Professions Code section
14 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16
17 DATED: 8/10/10


18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

24
25
26
27
28
21 LA2009604467
22 50672799.doc