

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

In the Matter of the Accusation Against:

Case No. 3610

**CEDRIC GERARD JONES II**  
803 Knights Circle  
Vallejo, CA 94591

Pharmacy Technician License No. TCH 70464  
Respondent.

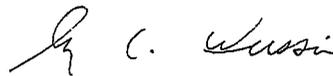
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 22, 2011.

It is so ORDERED on May 23, 2011.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
 Attorney General of California  
 2 FRANK H. PACOE  
 Supervising Deputy Attorney General  
 3 NICHOLAS TSUKAMAKI  
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 7 Attorneys for Complainant

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

11 In the Matter of the Amended Accusation  
 Against:

Case No. 3610

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

OAH No. 2010071354

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 Respondent.

17  
 18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
 19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
 22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
 23 Kamala D. Harris, Attorney General of the State of California, and Nicholas Tsukamaki, Deputy  
 24 Attorney General.

25 2. Respondent Cedric Gerard Jones II (Respondent) is represented in this proceeding by  
 26 attorney Frank Epstein, whose address is: 1517 Tennessee Street, Vallejo, CA 94590.

27 3. On or about June 2, 2008, the Board issued Pharmacy Technician License No. TCH  
 28 70464 to Respondent. The Pharmacy Technician License was in full force and effect at all times

1 relevant to the charges brought in Accusation No. 3610 and will expire on October 31, 2011,  
2 unless renewed.

3 JURISDICTION

4 4. Amended Accusation No. 3610 was filed before the Board and is currently pending  
5 against Respondent. The Amended Accusation and all other statutorily required documents were  
6 properly served on Respondent on November 5, 2010. Respondent timely filed his Notice of  
7 Defense contesting the Amended Accusation. A copy of Amended Accusation No. 3610 is  
8 attached as exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the  
11 charges and allegations in Amended Accusation No. 3610. Respondent has also carefully read,  
12 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
18 the attendance of witnesses and the production of documents; the right to reconsideration and  
19 court review of an adverse decision; and all other rights accorded by the California  
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
22 every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in Amended  
25 Accusation No. 3610.

26 9. Respondent agrees that his Pharmacy Technician License is subject to discipline and  
27 he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order  
28 below.

CONTINGENCY

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10. This stipulation shall be subject to approval by the Board. Respondent understands and agrees that counsel for Complainant and the staff of the Board may communicate directly with the Board regarding this stipulation and settlement without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments, written or oral. This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 70464 issued to Respondent Cedric Gerard Jones II (Respondent) is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. **Certification Prior to Resuming Work**

Respondent shall be automatically suspended from working as a pharmacy technician until

1 he is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
 2 satisfactory proof of certification to the board. Respondent shall not resume working as a  
 3 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
 4 year shall be considered a violation of probation. Respondent shall not resume working as a  
 5 pharmacy technician until notified by the board.

6 During suspension, respondent shall not enter any pharmacy area or any portion of any  
 7 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
 8 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
 9 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
 10 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
 11 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
 12 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
 13 substances. Respondent shall not resume work until notified by the board.

14 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
 15 licensed premises by the board in which he holds an interest at the time this decision becomes  
 16 effective unless otherwise specified in this order.

17 Failure to comply with this suspension shall be considered a violation of probation.

18 **2. Obey All Laws**

19 Respondent shall obey all state and federal laws and regulations.

20 Respondent shall report any of the following occurrences to the board, in writing, within  
 21 seventy-two (72) hours of such occurrence:

- 22  an arrest or issuance of a criminal complaint for violation of any provision of the
- 23 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
- 24 substances laws
- 25  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 26 criminal complaint, information or indictment
- 27  a conviction of any crime
- 28  discipline, citation, or other administrative action filed by any state or federal agency

1 which involves respondent's pharmacy technician license or which is related to the  
 2 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
 3 or charging for any drug, device or controlled substance.

4 Failure to timely report any such occurrence shall be considered a violation of probation.

5 **3. Report to the Board**

6 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
 7 designee. The report shall be made either in person or in writing, as directed. Among other  
 8 requirements, respondent shall state in each report under penalty of perjury whether there has  
 9 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
 10 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
 11 in submission of reports as directed may be added to the total period of probation. Moreover, if  
 12 the final probation report is not made as directed, probation shall be automatically extended until  
 13 such time as the final report is made and accepted by the board.

14 **4. Interview with the Board**

15 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
 16 with the board or its designee, at such intervals and locations as are determined by the board or its  
 17 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
 18 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
 19 the period of probation, shall be considered a violation of probation.

20 **5. Cooperate with Board Staff**

21 Respondent shall cooperate with the board's inspection program and with the board's  
 22 monitoring and investigation of respondent's compliance with the terms and conditions of his  
 23 probation. Failure to cooperate shall be considered a violation of probation.

24 **6. Notice to Employers**

25 During the period of probation, respondent shall notify all present and prospective  
 26 employers of the decision in case number 3610 and the terms, conditions and restrictions imposed  
 27 on respondent by the decision, as follows:

28 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of

1 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
 2 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
 3 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
 4 individual(s) has/have read the decision in case number 3610 and the terms and conditions  
 5 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
 6 supervisor(s) submit timely acknowledgement(s) to the board.

7 If respondent works for or is employed by or through a pharmacy employment service,  
 8 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
 9 of the terms and conditions of the decision in case number 3610 in advance of the respondent  
 10 commencing work at each pharmacy. A record of this notification must be provided to the board  
 11 upon request.

12 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
 13 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
 14 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
 15 report to the board in writing acknowledging that he has read the decision in case number 3610  
 16 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
 17 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

18 Failure to timely notify present or prospective employer(s) or to cause that/those  
 19 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
 20 probation.

21 "Employment" within the meaning of this provision shall include any full-time,  
 22 part-time, temporary or relief service or pharmacy management service as a pharmacy  
 23 technician or in any position for which a pharmacy technician license is a requirement  
 24 or criterion for employment, whether the respondent is considered an employee,  
 25 independent contractor or volunteer.

26 **7. Reimbursement of Board Costs**

27 As a condition precedent to successful completion of probation, respondent shall pay to the  
 28 board its costs of investigation and prosecution in the amount of \$4,567.50. Respondent shall

1 make said payments as follows: according to a payment plan approved by the board. There shall  
 2 be no deviation from this schedule absent prior written approval by the board or its designee.  
 3 Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

4 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to  
 5 reimburse the board its costs of investigation and prosecution.

6 **8. Probation Monitoring Costs**

7 Respondent shall pay any costs associated with probation monitoring as determined by the  
 8 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
 9 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
 10 be considered a violation of probation.

11 **9. Status of License**

12 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
 13 technician license with the board, including any period during which suspension or probation is  
 14 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

15 If respondent's pharmacy technician license expires or is cancelled by operation of law or  
 16 otherwise at any time during the period of probation, including any extensions thereof due to  
 17 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
 18 terms and conditions of this probation not previously satisfied.

19 **10. License Surrender While on Probation/Suspension**

20 Following the effective date of this decision, should respondent cease work due to  
 21 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
 22 respondent may tender his pharmacy technician license to the board for surrender. The board or  
 23 its designee shall have the discretion whether to grant the request for surrender or take any other  
 24 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
 25 license, respondent will no longer be subject to the terms and conditions of probation. This  
 26 surrender constitutes a record of discipline and shall become a part of the respondent's license  
 27 history with the board.

28 Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician

1 license to the board within ten (10) days of notification by the board that the surrender is  
2 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
3 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
4 applicable to the license sought as of the date the application for that license is submitted to the  
5 board.

6 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
7 **Employment**

8 Respondent shall notify the board in writing within ten (10) days of any change of  
9 employment. Said notification shall include the reasons for leaving, the address of the new  
10 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
11 shall further notify the board in writing within ten (10) days of a change in name, residence  
12 address and mailing address, or phone number.

13 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
14 phone number(s) shall be considered a violation of probation.

15 **12. Tolling of Probation**

16 Except during periods of suspension, respondent shall, at all times while on probation, be  
17 employed as a pharmacy technician in California for a minimum of twenty (20) hours per  
18 calendar month. Any month during which this minimum is not met shall toll the period of  
19 probation, i.e., the period of probation shall be extended by one month for each month during  
20 which this minimum is not met. During any such period of tolling of probation, respondent must  
21 nonetheless comply with all terms and conditions of probation.

22 Should respondent, regardless of residency, for any reason (including vacation) cease  
23 working as a pharmacy technician for a minimum of twenty (20) hours per calendar month in  
24 California, respondent must notify the board in writing within ten (10) days of cessation of work  
25 and must further notify the board in writing within ten (10) days of the resumption of the work.  
26 Any failure to provide such notification(s) shall be considered a violation of probation.

27 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
28 provisions of this condition for a total period, counting consecutive and non-consecutive months,

1 exceeding thirty-six (36) months.

2 "Cessation of work" means calendar month during which respondent is not  
3 working for at least twenty (20) hours as a pharmacy technician, as defined in  
4 Business and Professions Code section 4115. "Resumption of work" means any  
5 calendar month during which respondent is working as a pharmacy technician for at  
6 least twenty (20) hours as a pharmacy technician as defined by Business and  
7 Professions Code section 4115.

8 **13. Violation of Probation**

9 If a respondent has not complied with any term or condition of probation, the board shall  
10 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
11 all terms and conditions have been satisfied or the board has taken other action as deemed  
12 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
13 to impose the penalty that was stayed.

14 If respondent violates probation in any respect, the board, after giving respondent notice  
15 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
16 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
17 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
18 a petition to revoke probation or an accusation is filed against respondent during probation, the  
19 board shall have continuing jurisdiction, and the period of probation shall be automatically  
20 extended until the petition to revoke probation or accusation is heard and decided.

21 **14. Completion of Probation**

22 Upon written notice by the board indicating successful completion of probation,  
23 respondent's pharmacy technician license will be fully restored.

24 **15. No Ownership of Licensed Premises**

25 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
26 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
27 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
28 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)

1 days following the effective date of this decision and shall immediately thereafter provide written  
 2 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
 3 documentation thereof shall be considered a violation of probation.

4 **16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

5 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
 6 attendance at a recognized and established substance abuse recovery support group in California,  
 7 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
 8 or its designee. Respondent must attend at least one group meeting per week unless otherwise  
 9 directed by the board or its designee. Respondent shall continue regular attendance and submit  
 10 signed and dated documentation confirming attendance with each quarterly report for the duration  
 11 of probation. Failure to attend or submit documentation thereof shall be considered a violation of  
 12 probation.

13 **17. Random Drug Screening**

14 Respondent, at his own expense, shall participate in random testing, including but not  
 15 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
 16 screening program as directed by the board or its designee. Respondent may be required to  
 17 participate in testing for the entire probation period and the frequency of testing will be  
 18 determined by the board or its designee. At all times respondent shall fully cooperate with the  
 19 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
 20 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
 21 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
 22 of probation. Upon request of the board or its designee, respondent shall provide documentation  
 23 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
 24 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
 25 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
 26 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
 27 shall be considered a violation of probation and shall result in the automatic suspension of work  
 28 by respondent. Respondent may not resume work as a pharmacy technician until notified by the

1 board in writing.

2 During suspension, respondent shall not enter any pharmacy area or any portion of or any  
3 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
4 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
5 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
6 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
7 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
8 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
9 substances. Respondent shall not resume work until notified by the board.

10 Respondent shall not direct, control or perform any aspect of the practice of pharmacy.  
11 Subject to the above restrictions, respondent may continue to own or hold an interest in any  
12 licensed premises in which he holds an interest at the time this decision becomes effective unless  
13 otherwise specified in this order.

14 Failure to comply with this suspension shall be considered a violation of probation.

15 **18. Work Site Monitor**

16 Within ten (10) days of the effective date of this decision, respondent shall identify a work  
17 site monitor, for prior approval by the board, who shall be responsible for supervising respondent  
18 during working hours. Respondent shall be responsible for ensuring that the work site monitor  
19 reports in writing to the board quarterly. Should the designated work site monitor determine at  
20 any time during the probationary period that respondent has not maintained sobriety, he shall  
21 notify the board immediately, either orally or in writing as directed. Should respondent change  
22 employment, a new work site monitor must be designated, for prior approval by the board, within  
23 ten (10) days of commencing new employment. Failure to identify an acceptable initial or  
24 replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be  
25 considered a violation of probation.

26 **19. Notification of Departure**

27 Prior to leaving the probationary geographic area designated by the board or its designee for  
28 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in

1 writing of the dates of departure and return. Failure to comply with this provision shall be  
2 considered a violation of probation.

3 **20. Abstain from Drugs and Alcohol Use**

4 Respondent shall completely abstain from the possession or use of alcohol, controlled  
5 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
6 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
7 request of the board or its designee, respondent shall provide documentation from the licensed  
8 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
9 treatment of the respondent. Failure to timely provide such documentation shall be considered a  
10 violation of probation. Respondent shall ensure that he is not in the same physical location as  
11 individuals who are using illicit substances even if respondent is not personally ingesting the  
12 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
13 not supported by the documentation timely provided, and/or any physical proximity to persons  
14 using illicit substances, shall be considered a violation of probation.

15 **21. Community Services Program**

16 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
17 board or its designee, for prior approval, a community service program in which respondent shall  
18 provide free services on a regular basis to a community or charitable facility or agency for at least  
19 forty (40) hours per year for the first three (3) of probation. Within thirty (30) days of board  
20 approval thereof, respondent shall submit documentation to the board demonstrating  
21 commencement of the community service program. A record of this notification must be  
22 provided to the board upon request. Respondent shall report on progress with the community  
23 service program in the quarterly reports. Failure to timely submit, commence, or comply with the  
24 program shall be considered a violation of probation.

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27 ///



**Exhibit A**

**Accusation No. 3610**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 NICHOLAS TSUKAMAKI  
Deputy Attorney General  
4 State Bar No. 253959  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004 .  
Telephone: (415) 703-1188  
6 Facsimile: (415) 703-5480  
E-mail: Nicholas.Tsukamaki@doj.ca.gov  
7 *Attorneys for Complainant*

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

**AMENDED ACCUSATION**

15 Respondent.

16  
17  
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  
24 in full force and effect at all times relevant to the charges brought herein and will expire on  
25 October 31, 2011, unless renewed.

26 ///

27 ///

28 ///





1 a. On or about June 19, 2003, Respondent was arrested on Tabor Avenue in Fairfield,  
2 California, for driving under the influence of alcohol. Respondent failed field sobriety tests and  
3 his blood alcohol level was determined to be 0.094%.

4 b. On or about June 4, 2004, Respondent was arrested on I-80 westbound west of  
5 Webster Street in Yolo County, California, for driving under the influence of alcohol.  
6 Respondent failed field sobriety tests and his blood alcohol level was determined to be 0.081%.

7 c. On or about November 21, 2004, Respondent was arrested on Davis Street near  
8 Hickory Lane in Vacaville, California, for driving under the influence of alcohol. Respondent  
9 failed field sobriety tests and his blood alcohol level was determined to be 0.129%.

10 d. On or about May 28, 2008, Respondent was arrested on I-80 eastbound east of Lynch  
11 Road in Solano County, California, for driving under the influence of alcohol. Respondent failed  
12 field sobriety tests and his blood alcohol level was determined to be 0.179%.

#### 13 SECOND CAUSE FOR DISCIPLINE

#### 14 (Unprofessional Conduct: Conviction of More than One Misdemeanor or any Felony 15 Involving Use of Alcohol)

16 12. Respondent is subject to disciplinary action under section 4301(k) of the Code based  
17 on the following convictions:

18 a. On or about July 10, 2003, in a criminal proceeding entitled *The People of the State of*  
19 *California v. Cedric Gerard Jones, II*, in Solano County Superior Court, Case Number  
20 FCR208731, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code  
21 section 23103.5 (acceptance of guilty or nolo contendere plea to violation of Vehicle Code  
22 section 23103 in place of charge for violation of section 23152), a misdemeanor. Respondent was  
23 sentenced to three years of probation and ordered to pay fines in the amount of \$500.00. The  
24 circumstances of the conviction are set forth above in Paragraph 11.a.

25 b. On or about March 23, 2005, in a criminal proceeding entitled *The People of the State*  
26 *of California v. Cedric Gerard Jones, II*, in Solano County Superior Court, Case Number  
27 FCR221191, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code  
28 section 23152(a) (driving under the influence of any alcoholic beverage or drug) with one prior

1 conviction, a misdemeanor. Respondent was sentenced to three years of probation and ordered to  
2 pay fines in the amount of \$1,464.00. The circumstances of the conviction are set forth above in  
3 Paragraph 11.c.

4 c. On or about June 27, 2006, in a criminal proceeding entitled *The People of the State*  
5 *of California v. Cedric Gerard Jones, II*, in Yolo County Superior Court, Case Number 04-4273,  
6 Respondent was convicted by his plea of nolo contendere of violating Vehicle Code sections  
7 23103/23103.5 (acceptance of guilty or nolo contendere plea to violation of Vehicle Code section  
8 23103 in place of charge for violation of section 23152), a misdemeanor. Respondent was  
9 sentenced to twelve months of probation and ordered to pay fines in the amount of \$1,543.00.  
10 The circumstances of the conviction are set forth above in Paragraph 11.b.

11 d. On or about October 17, 2008, in a criminal proceeding entitled *The People of the*  
12 *State of California v. Cedric Gerard Jones, II*, in Solano County Superior Court, Case Number  
13 FCR255868, Respondent was convicted by his plea of nolo contendere of violating Vehicle Code  
14 section 23152(b) (driving with blood alcohol level of 0.08% or above) with three prior  
15 convictions, a felony. Respondent was sentenced to three years of probation and ordered to pay  
16 fines in the amount of \$2,534.00. The circumstances of the conviction are set forth above in  
17 Paragraph 11.d.

### 18 **THIRD CAUSE FOR DISCIPLINE**

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

20 13. Respondent is subject to disciplinary action under section 4301(l) and/or section 490  
21 of the Code, by reference to California Code of Regulations, title 16, section 1770, based on the  
22 convictions set forth above in Paragraphs 12.a., 12.b., 12.c., and 12.d.

23 Respondent is further subject to disciplinary action under section 4301(l) and/or section 490  
24 of the Code, by reference to California Code of Regulations, title 16, section 1770, in that on or  
25 about November 4, 2008, in a criminal proceeding entitled *The People of the State of California*  
26 *v. Cedric Gerard Jones, II*, in Napa County Superior Court, Case Number CR142717,  
27 Respondent pleaded guilty to violating Vehicle Code section 14601.5(a) (driving with a  
28 suspended license) with one prior conviction, a misdemeanor. Respondent was sentenced to two

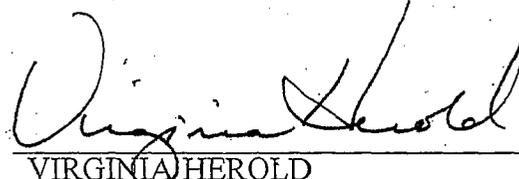
1 years of probation and ordered to pay fines in the amount of \$1,720.00. The circumstances of the  
2 conviction were that on or about September 10, 2008, Respondent was stopped by a police officer  
3 on Shennandoah Drive in American Canyon, California, for expired registration. The officer  
4 contacted Respondent, ran a DMV database check of his license, and discovered that it was  
5 suspended.

6 **PRAYER**

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

- 9 1. Revoking or suspending Pharmacy Technician License Number TCH 70464 issued to  
10 Cedric Gerard Jones, II;
- 11 2. Ordering Cedric Gerard Jones, II to pay the Board the reasonable costs of the  
12 investigation and enforcement of this case pursuant to section 125.3 of the Code;
- 13 3. Taking such other and further action as deemed necessary and proper.

14  
15 DATED: 11/2/10



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

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