

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

In the Matter of the Accusation Against:

Case No. 5034

JOSHUA CLAYTON LOCKWOOD
14025 Leahy Avenue
Bellflower, CA 90706

Pharmacy Technician Registration No.
TCH 116106

Respondent.

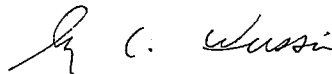
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 July 7, 2014.

It is so ORDERED on July 2, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5034

11 **JOSHUA CLAYTON LOCKWOOD**
12 **14025 Leahy Ave.**
13 **Bellflower, CA 90706**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician Registration No. TCH
116106**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled
18 proceedings that the following matters are true:

19 **PARTIES**

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

24 2. Joshua Clayton Lockwood ("Respondent") is representing himself in this proceeding
25 and has chosen not to exercise his right to be represented by counsel.

26 3. On or about October 17, 2011, the Board of Pharmacy issued Pharmacy Technician
27 Registration No. TCH 116106 to Joshua Clayton Lockwood ("Respondent"). The Pharmacy
28 Technician Registration will expire on September 30, 2015, unless renewed.

1 JURISDICTION

2 4. Accusation No. 5034 was filed before the Board of Pharmacy ("Board"), Department
3 of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
4 statutorily required documents were properly served on Respondent on April 30, 2014.
5 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
6 No. 5034 is attached as Exhibit A and incorporated by reference.

7 ADVISEMENT AND WAIVERS

8 5. Respondent has carefully read, and understands the charges and allegations in
9 Accusation No. 5034. Respondent also has carefully read, and understands the effects of this
10 Stipulated Surrender of License and Order.

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

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

20 CULPABILITY

21 8. Respondent admits the truth of each and every charge and allegation in Accusation
22 No. 5034, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician
23 Registration No. TCH 116106 for the Board's formal acceptance.

24 9. Respondent understands that by signing this stipulation he enables the Board to issue
25 an order accepting the surrender of his Pharmacy Technician Registration without further process.

26 CONTINGENCY

27 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
28 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may

1 communicate directly with the Board regarding this stipulation and surrender, without notice to or
2 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
3 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
4 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
5 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
6 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
7 be disqualified from further action by having considered this matter.

8 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
9 copies of this Stipulated Surrender of License and Order, including Portable Document Format
10 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

19 **ORDER**

20 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 116106,
21 issued to Respondent Joshua Clayton Lockwood, is surrendered and accepted by the Board of
22 Pharmacy.

23 1. Respondent surrenders pharmacy technician license number TCH 116106 as of the
24 effective date of this decision. Respondent shall relinquish his pharmacy technician license to the
25 Board within ten (10) days of the effective date of this decision.

26 2. The surrender of Respondent's license and the acceptance of the surrendered license
27 by the Board shall constitute the imposition of discipline against Respondent. This decision
28

1 constitutes a record of discipline and shall become a part of Respondent's license history with the
2 Board.

3 3. Respondent understands and agrees that if he ever files an application for licensure or
4 a petition for reinstatement in the State of California, the Board shall treat it as a new application
5 for licensure.

6 4. Respondent may not apply for any license, permit, or registration from the Board for
7 three (3) years from the effective date of this decision. Respondent stipulates that should he apply
8 for any license from the Board on or after the effective date of this decision, all allegations set
9 forth in Accusation No. 5034 shall be deemed to be true, correct and admitted by Respondent
10 when the Board determines whether to grant or deny the application.

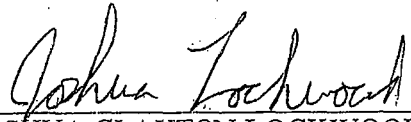
11 5. Respondent shall satisfy all requirements applicable to that license as of the date the
12 application is submitted to the Board, including, but not limited to taking and passing the
13 Pharmacy Technician Certification Examination prior to the issuance of a new license.
14 Respondent is required to report this surrender as disciplinary action.

15 6. Respondent stipulates that should he apply for any license from the Board on or after
16 the effective date of this decision, investigation and prosecution costs in the amount of \$1,500.00
17 shall be paid to the Board prior to issuance of the license.

18 ACCEPTANCE

19 I have carefully read the Stipulated Surrender of License and Order. I understand the
20 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
21 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
22 be bound by the Decision and Order of the Board of Pharmacy.

23
24 DATED: 5/22/14


25 JOSHUA CLAYTON LOCKWOOD
Respondent

26 ///

27 ///

28 ///


ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: May 21, 2014

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA SUN
Deputy Attorney General


SYDNEY M. MEHRINGER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5034

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7 *Attorneys for Complainant*

8
9 **BEFORE THE**
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10 **DEPARTMENT OF CONSUMER AFFAIRS**
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11 In the Matter of the Accusation Against:

Case No. 5034

12 **JOSHUA CLAYTON LOCKWOOD**

A C C U S A T I O N

13 14025 Leahy Ave.
14 Bellflower, CA 90706

15 Pharmacy Technician Registration No. TCH
116106

16 Respondent.

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, Department of Consumer Affairs ("Board").

22 2. On or about October 17, 2011, the Board issued Pharmacy Technician Registration
23 No. TCH 116106 to Joshua Clayton Lockwood ("Respondent"). The Pharmacy Technician
24 Registration will expire on September 30, 2015, unless renewed.

25 **JURISDICTION**

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

1 4. Code section 4300 provides in pertinent part, that every license issued by the Boards
2 is subject to discipline, including suspension or revocation.

3 5. Code section 4300.1 states, in pertinent part:

4 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
5 operation of law or by order or decision of the board or a court of law, the placement of a license
6 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
7 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
8 proceeding against, the licensee or to render a decision suspending or revoking the license."

9 **STATUTORY PROVISIONS**

10 6. Code section 4060 states, in pertinent part:

11 "A person shall not possess any controlled substance, except that furnished to a person upon
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
14 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician
15 assistant pursuant to Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a
16 pharmacist pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the
17 possession of any controlled substance by a manufacturer, wholesaler, pharmacy, pharmacist,
18 physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified nurse-
19 midwife, nurse practitioner, or physician assistant, if in stock in containers correctly labeled with
20 the name and address of the supplier or producer. . . ."

21 7. Code 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 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the
2 practice authorized by the license.

3
4 "(j) The violation of any of the statutes of this state, or any other state, or of the United
5 States regulating controlled substances and dangerous drugs.

6
7 "(l) The conviction of a crime substantially related to the qualifications, functions, and
8 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
9 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
10 substances or of a violation of the statutes of this state regulating controlled substances or
11 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
12 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
13 The board may inquire into the circumstances surrounding the commission of the crime, in order
14 to fix the degree of discipline or, in the case of a conviction not involving controlled substances or
15 dangerous drugs, to determine if the conviction is of an offense substantially related to the
16 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
17 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
18 of this provision. The board may take action when the time for appeal has elapsed, or the
19 judgment of conviction has been affirmed on appeal or when an order granting probation is made
20 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
21 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
22 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
23 indictment.

24
25 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
26 violation of or conspiring to violate any provision or term of this chapter or of the applicable
27 federal and state laws and regulations governing pharmacy, including regulations established by
28 the board or by any other state or federal regulatory agency. . . ."

1 8. Health and Safety Code section 11360 states, in pertinent part:

2 "(b) Except as authorized by law, every person who gives away, offers to give away,
3 transports, offers to transport, or attempts to transport not more than 28.5 grams of marijuana,
4 other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of
5 not more than one hundred dollars (\$100). . . ."

6 9. United States Code, title 21, section 844 states, in pertinent part:

7 "(a) Unlawful acts; penalties. It shall be unlawful for any person knowingly or intentionally
8 to possess a controlled substance unless such substance was obtained directly, or pursuant to a
9 valid prescription or order, from a practitioner, while acting in the course of his professional
10 practice, or except as otherwise authorized by this title or title III. It shall be unlawful for any
11 person knowingly or intentionally to possess any list I chemical obtained pursuant to or under
12 authority of a registration issued to that person under section 303 of this title [21 USCS § 823] or
13 section 1008 of title III [21 USCS § 958] if that registration has been revoked or suspended, if that
14 registration has expired, or if the registrant has ceased to do business in the manner contemplated
15 by his registration. . . ."

16 **REGULATORY PROVISIONS**

17 10. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

24 **COST RECOVERY**

25 11. Section 125.3 states, in pertinent part, that the Board may request the administrative
26 law judge to direct a licentiate found to have committed a violation or violations of the licensing
27 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
28 case.

1 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

2 12. Marijuana is a Schedule I controlled substance as defined in Health and Safety Code
3 section 11054, subdivision (d)(13) and is a dangerous drug pursuant to Code section 4022.
4 Marijuana is also a Schedule I controlled substance as defined in United States Code, title 21,
5 section 812.

6 13. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code
7 section 11055, subdivision (b)(1)(M) and is a dangerous drug pursuant to Code section 4022.

8 FIRST CAUSE FOR DISCIPLINE

9 **(Unprofessional Conduct: Convictions of Substantially Related Crimes)**

10 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (1),
11 in conjunction with California Code of Regulations, title 16, section 1770, on the grounds of
12 unprofessional conduct in that Respondent was convicted of crimes substantially related to the
13 qualifications, functions, or duties of a registered pharmacy technician as follows:

14 15. On or about August 5, 2013, after pleading guilty, Respondent was convicted of one
15 misdemeanor count of violating Health and Safety Code section 11360, subdivision (b)
16 [furnishing of marijuana] and one misdemeanor count of violating Vehicle Code section 23152,
17 subdivision (a) [driving under the influence of alcohol or drugs] in the criminal proceeding
18 entitled *The People of the State of California v. Joshua Clayton Lockwood* (Super. Ct. Orange
19 County, 2013, No. 13WF0356). The Court sentenced Respondent to serve four days in Orange
20 County Jail and placed him on 3 years probation, with terms and conditions, including an 18
21 month multiple offender alcohol program and a Mothers Against Drunk Driving victim's impact
22 panel.

23 (a) The circumstances surrounding the conviction are that on or about February 2,
24 2013, Seal Beach Police Department officers found Respondent asleep behind the wheel of his
25 vehicle in the middle of an intersection with the vehicle engine running. Officers noticed that
26 Respondent's eyes were bloodshot, watery, and droopy and his speech was slurred. One of the
27 officers noticed the odor of marijuana emanating from the vehicle. Respondent admitted that he
28 had marijuana in his vehicle for medical purposes but he did not have a prescription. Respondent

1 further admitted to occasionally selling marijuana and he acknowledged that he was on his way to
2 sell marijuana to a friend.

3 16. On or about August 1, 2013, after pleading nolo contendere, Respondent was
4 convicted of one misdemeanor count of violating Vehicle Code section 23103 [reckless driving]
5 in the criminal proceeding entitled *The People of the State of California v. Joshua Clayton*
6 *Lockwood* (Super. Ct. Los Angeles County, 2013, No. 3LT00163). The Court sentenced
7 Respondent to serve 10 days in Los Angeles County Jail and placed him on 36 months probation,
8 with terms and conditions including enrolling in an alcohol and drug education program.

9 (a) The circumstances surrounding the conviction are that on or about August 19,
10 2012, a Long Beach Police Department officer responded to a call requesting assistance with an
11 intoxicated person. Respondent was found passed out in the driver's seat of his vehicle while the
12 vehicle was still on and in the middle of the street. Respondent was removed from the vehicle
13 and transported to the hospital where the officer attempted to speak with Respondent, but he was
14 incoherent and in an altered state. It was later determined that Respondent was under the
15 influence of marijuana and morphine.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct: Self-Administration/Use of Controlled Substances)**

18 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),
19 on the grounds of unprofessional conduct in that or on about August 19, 2012 and February 2,
20 2013, Respondent self-administered and/or used controlled substances to wit: marijuana and
21 morphine, to the extent that the self-administration/use was dangerous to himself, others, or the
22 public. Complainant refers to, and by this reference incorporates, the allegations set forth above
23 in Paragraph 15, subparagraph (a) and Paragraph 16, subparagraph (a), inclusive, as though fully
24 set forth herein.

25 **THIRD CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct: Violating Drug Statutes)**

27 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
28 on the grounds of unprofessional conduct in that Respondent violated state and federal drug

1 statutes regulating controlled substances and dangerous drugs. Specifically, Respondent violated
2 Health and Safety Code section 11360, subdivision (b) by furnishing marijuana and Respondent
3 violated United States Code, title 21, section 844 by possessing Marijuana. Complainant refers
4 to, and by reference incorporates, the allegations set forth above in Paragraph 15, subparagraph (a)
5 and Paragraph 16, subparagraph (a), inclusive, as though fully set forth herein.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct: Violation of Licensing Chapter)**

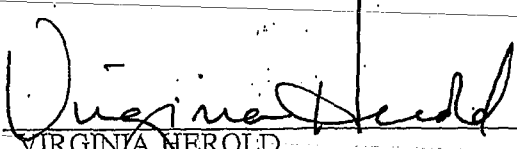
8 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
9 in conjunction with Code section 4060, on the grounds of unprofessional conduct in that
10 Respondent illegally possessed a controlled substance to wit: marijuana. Complainant refers to,
11 and by this reference incorporates, the allegations set forth above in Paragraph 15, subparagraph
12 (a) and Paragraph 16, subparagraph (a), inclusive, as though fully set forth herein.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration No. TCH 116106, issued
17 to Joshua Clayton Lockwood;
- 18 2. Ordering Joshua Clayton Lockwood to pay the Board the reasonable costs of the
19 investigation and enforcement of this case, pursuant to section 125.3; and
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22 DATED: 4/8/14


23 VIRGINIA NEROLD
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 Complainant

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