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

In the Matter of the Statement of Issues
Against:

Case No. 5824

OAH No. 2016090765

DEFAULT DECISION AND ORDER

**JONATHAN ANTHONY DEANADOLPH
4011 129th St., Apt. 25
Hawthorne, CA 90250
Pharmacy Technician Registration**

[Gov. Code, § 11520]

Respondent.

FINDINGS OF FACT

1. On or about August 31, 2016, Complainant Virginia Herold (“Complainant”), in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 5824 against Jonathan Anthony Deanadolph (“Respondent”) before the Board of Pharmacy (the “Board”).

2. On or about September 15, 2015, Respondent filed an application dated July 18, 2015, with the Board to obtain a Pharmacy Technician Registration.

3. On or about February 26, 2016, the Board issued a letter denying Respondent's application for a Pharmacy Technician Registration. On or about April 12, 2016, Respondent submitted a request for appeal of the Board's denial of his application.

1 4. On or about August 31, 2016, an employee of the Department of Justice, served by
2 Certified and First Class Mail a copy of the Statement of Issues No. 5824, Statement to
3 Respondent, Notice of Defense, and Request for Discovery to Respondent's address on the
4 application form and Respondent's Request for Hearing, which was and is 4011 129th St., Apt.
5 25, Hawthorne, CA 90250. A copy of the Statement of Issues is attached as Exhibit A, and is
6 incorporated herein by reference.

7 5. Service of the Statement of Issues was effective as a matter of law under the
8 provisions of Government Code section 11505, subdivision (c).

9 6. On or about September 9, 2016, Respondent appealed the denial of his application by
10 requesting a hearing in this action. On or about September 29, 2016, an employee of the
11 Department of Justice served by Certified and First Class Mail a Notice of Hearing at
12 Respondent's address on the application and Respondent's Request for Hearing. The Notice of
13 Hearing served on Respondent informed Respondent that an administrative hearing in this matter
14 was scheduled for February 1, 2017. Respondent failed to appear at that hearing.

15 7. Government Code section 11506(c) states, in pertinent part:

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

21 8. California Government Code section 11520(a) states, in pertinent part:

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

26 9. Pursuant to its authority under Government Code section 11520, the Board finds
27 Respondent is in default. The Board will take action without further hearing based upon the
28 allegation set forth in the Statement of Issues and Respondent's failure to establish entitlement to
issuance of a license.

DETERMINATION OF ISSUES

1 DOJ docket number: LA2016601128
52369759.DOC

2 Attachment:

3 Exhibit A: Statement of Issues No.5824

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Exhibit A

Statement of Issues No. 5824

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 VINODHINI R. KELLER
Deputy Attorney General
4 State Bar No. 240534
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2015
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues	Case No. 5824
11 Against:	
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.

1 **JURISDICTION**

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

5 **STATUTORY PROVISIONS**

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

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

9 “(1) Been convicted of a crime. A conviction within the meaning of this section means a
10 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
11 board is permitted to take following the establishment of a conviction may be taken when the
12 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when

13 an order granting probation is made suspending the imposition of sentence, irrespective of a
14 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

15 ***

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

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

21 5. Section 482 states:

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

24 “(a) Considering the denial of a license by the board under Section
25 480; or

26 “(b) Considering suspension or revocation of a license under
27 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

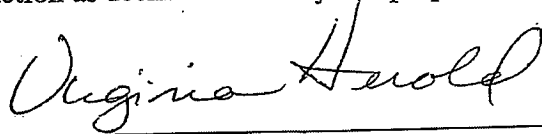
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

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
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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