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

11 In the Matter of the Petition to Revoke
12 Probation Against:

Case No. 4247

13 **CEDRIC GERARD JONES II**
14 **803 Knights Circle**
15 **Vallejo, CA 94591**

PETITION TO REVOKE PROBATION

16 **Pharmacy Technician License No. TCH**
17 **70464**

Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
22 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
23 Consumer Affairs.

24 2. On or about June 2, 2008, the Board issued Original Pharmacy Technician License
25 Number TCH 70464 to Cedric Gerard Jones II (Respondent). The License was in effect at all
26 times relevant to the charges brought herein and will expire on October 31, 2013, unless renewed.

27 3. In a disciplinary action entitled "In the Matter of the Amended Accusation Against
28 Cedric Gerard Jones II", Case No. 3610, the Board issued a Decision, effective June 22, 2011,

1 revoking Respondent's Pharmacy Technician License. Revocation was stayed and Respondent
2 was placed on probation for a period of four (4) years with certain terms and conditions. A copy
3 of that Decision is attached as Exhibit A and is incorporated by reference.

4 **JURISDICTION**

5 4. This Petition to Revoke Probation is brought before the Board under the authority of
6 the following laws. All section references are to the Business and Professions Code (Code)
7 unless otherwise indicated.

8 **STATUTORY PROVISIONS**

9 5. Section 4011 of the Code provides that the Board shall administer and enforce both
10 the Pharmacy Law (Bus. & Prof. Code, § 4000 et seq.) and the Uniform Controlled Substances
11 Act (Health & Safety Code, § 11000 et seq.).

12 6. Section 4300(a) of the Code provides that every license issued by the Board may be
13 suspended or revoked.

14 7. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
15 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
16 disciplinary action during the period within which the license may be renewed, restored, reissued,
17 or reinstated. Section 4402(e) of the Code provides that any non-pharmacist license issued by the
18 Board may be canceled if not renewed within 60 days after expiration, and any license canceled
19 in this fashion may not be reissued but will instead require a new application to seek reissuance.

20 **FACTUAL BACKGROUND**

21 8. In a disciplinary action entitled "In the Matter of the Amended Accusation Against
22 Cedric Gerard Jones II", Case No. 3610, the Board issued a Decision, effective June 22, 2011, in
23 which Respondent's Pharmacy Technician License was revoked. However, the revocation was
24 stayed and Respondent's Pharmacy Technician License was placed on probation for four (4)
25 years subject to certain Terms and Conditions as set forth in the Decision and Order. Those
26 Terms and Conditions include the following: that Respondent report to the Board or its designee
27 quarterly (Term and Condition 3); that Respondent reimburse the Board its costs of investigation
28 and prosecution (Term and Condition 7); that Respondent attend a board-approved substance

1 abuse recovery relapse prevention and support group (Term and Condition 16); that Respondent
2 participate in random drug screening (Term and Condition 17); that Respondent abstain from
3 drugs and alcohol (Term and Condition 20); and that Respondent submit a community service
4 program for board approval (Term and Condition 21).

5 **FIRST CAUSE TO REVOKE PROBATION**

6 **(Failure to Report Quarterly to the Board)**

7 9. At all times after the effective date of the Decision and Order imposing probation
8 on Respondent's License, Term and Condition 3 of that Order provided as follows:

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

20 10. Respondent's probation is subject to revocation in that Respondent failed to submit
21 timely quarterly reports as required by Term and Condition 3 of his probation. The Board has not
22 received any reports from Respondent since the start of his probation.

23 **SECOND CAUSE TO REVOKE PROBATION**

24 **(Failure to Submit Cost Recovery Payments)**

25 11. At all times after the effective date of the Decision and Order imposing probation
26 on Respondent's License, Term and Condition 7 of that Order provided as follows:

27 **Reimbursement of Board Costs.** As a condition precedent to successful
28 completion of probation, respondent shall pay to the Board its costs of
investigation and prosecution in the amount of \$4,567.50. Respondent shall
make said payments as follows: according to a payment plan approved by
the board. There shall be no deviation from this schedule absent prior
written approval by the board or its designee. Failure to pay costs by the
deadline(s) as directed shall be considered a violation of probation.

12. Respondent's probation is subject to revocation in that Respondent failed to pay
the Board its costs of investigation and prosecution as required by Term and Condition 7 of his

1 probation. Respondent has not made any payments to the Board since the beginning of his
2 probation.

3 **THIRD CAUSE TO REVOKE PROBATION**

4 **(Failure to Submit Proof of Attendance in Substance Abuse Program)**

5 13. At all times after the effective date of the Decision and Order imposing probation
6 on Respondent's License, Term and Condition 16 of that Order provided as follows:

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

18 14. Respondent's probation is subject to revocation in that Respondent failed to submit
19 proof of attendance at a Board-approved, recognized, and established substance abuse recovery
20 support group in California as required by Term and Condition 16 of his probation.

21 **FOURTH CAUSE TO REVOKE PROBATION**

22 **(Failure to Report and Submit to Random Drug Screening)**

23 15. At all times after the effective date of the Decision and Order imposing probation
24 on Respondent's License, Term and Condition 17 of that Order provided as follows:

25 **Random Drug Screening.** Respondent, at his own expense, shall
26 participate in random testing, including but not limited to biological fluid
27 testing (urine, blood), breathalyzer, hair follicle testing, or other drug
28 screening program as directed by the board or its designee. Respondent
may be required to participate in testing for the entire probation period and
the frequency of testing will be determined by the board or its designee. At
all times respondent shall fully cooperate with the board or its designee,
and shall, when directed, submit to such tests and samples for the
detection of alcohol, narcotics, hypnotics, dangerous drugs or other
controlled substances as the board or its designee may direct. Failure to
timely submit to testing as directed shall be considered a violation of
probation. . . . Any confirmed positive test for alcohol or for any drug not
lawfully prescribed by a licensed practitioner as part of a documented

1 medical treatment shall be considered a violation of probation and shall
2 result in the automatic suspension of work by respondent. Respondent
3 may not resume work as a pharmacy technician until notified by the board
4 in writing.

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6 16. Respondent's probation is subject to revocation in that Respondent failed to
7 comply with Term and Condition 17 of his probation by failing to report to the contracted lab
8 services vendor for random drug screening on several dates and failing to submit to drug
9 screening on several dates as scheduled.

10 **FIFTH CAUSE TO REVOKE PROBATION**

11 **(Failure to Abstain from Drug and Alcohol Use)**

12 17. At all times after the effective date of the Decision and Order imposing probation
13 on Respondent's License, Term and Condition 20 of that Order provided as follows:

14 **Abstain from Drugs and Alcohol.** Respondent shall completely abstain
15 from the possession or use of alcohol, controlled substances, dangerous
16 drugs and their associated paraphernalia except when the drugs are lawfully
17 prescribed by a licensed practitioner as part of a documented medical
18 treatment. . . . Any possession or use of alcohol, controlled substances, or
19 their associated paraphernalia not supported by the documentation timely
20 provided, and/or any physical proximity to persons using illicit substances,
21 shall be considered a violation of probation.

22 18. Respondent's probation is subject to revocation in that he failed to comply with
23 Term and Condition 20 of his probation. Respondent tested positive for alcohol on July 25, 2011,
24 September 15, 2011, March 22, 2012, and March 29, 2012, and he tested positive for cocaine on
25 December 6, 2011, March 22, 2012, March 29, 2012, April 2, 2012, and April 18, 2012, through
26 the Board's random drug screening program.

27 **SIXTH CAUSE TO REVOKE PROBATION**

28 **(Failure to Submit a Community Service Program)**

19. At all times after the effective date of the Decision and Order imposing probation
on Respondent's License, Term and Condition 21 of that Order provided as follows:

Community Services Program. Within sixty (60) days of the effective date
of this decision, respondent shall submit to the board or its designee, for prior
approval, a community service program in which respondent shall provide
free services on a regular basis to a community or charitable facility or
agency for at least forty (40) hours per year for the first three (3) years of
probation. Within thirty (30) days of board approval thereof, respondent

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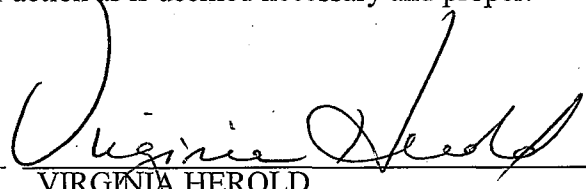
shall submit documentation to the board demonstrating commencement of the community service program. A record of this notification must be provided to the board upon request. Respondent shall report on progress with the community service program in the quarterly reports. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

20. Respondent's probation is subject to revocation in that he failed to submit the name of a community service program for approval by the Board as required by Term and Condition 21 of his probation.

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. Revoking the probation that was granted by the Board in Case No. 3610 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician License No. TCH 70464 issued to Cedric Gerard Jones II;
2. Taking such other and further action as is deemed necessary and proper.

DATED: 5/28/12 

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

Exhibit A

Decision and Order

Board of Pharmacy Case No. 4247