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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 Statement of Issues
12 Against:

Case No. 5302

13 **JONATHAN TERRELL STONE**

STATEMENT OF ISSUES

14 Pharmacy Technician Registration Applicant

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer
21 Affairs.

22 2. On or about October 28, 2013, the Board received an application for a Pharmacy
23 Technician Registration from Jonathan Terrell Stone (Respondent). On or about October 14,
24 2013, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,
25 and representations in the application. The Board denied the application on August 6, 2014.

26 **JURISDICTION**

1 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
2 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
3 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
4 the rehabilitation of a person when considering the denial of a license under subdivision (a) of
5 Section 482.

6 "(c) A board may deny a license regulated by this code on the ground that the applicant
7 knowingly made a false statement of fact required to be revealed in the application for the license."

8 6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license
9 on the ground that the licensee has been convicted of a crime substantially related to the
10 qualifications, functions, or duties of the business or profession for which the license was issued..

11 7. Section 4301 states, in pertinent part:

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

15

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

19

20 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the
24 practice authorized by the license.

25

26 "(k) The conviction of more than one misdemeanor or any felony involving the use,
27 consumption, or self-administration of any dangerous drug or alcoholic beverage, or any
28 combination of those substances.

1 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
2 licensee or registrant to perform the functions authorized by his license or registration in a manner
3 consistent with the public health, safety, or welfare."

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6 **FIRST CAUSE FOR DENIAL OF APPLICATION**

7 **(Convictions of Substantially Related Crimes)**

8 9. Respondent's application is subject to denial under section 480, subdivision (a)(1), in
9 that Respondent was convicted of a substantially related crimes, as follows:

10 a. On or about February 17, 2011, after pleading guilty, Respondent was convicted of
11 one felony count of violating Penal code section 186.10, subdivision (a) [money laundering] in the
12 criminal proceeding entitled *The People of the State of California v. Jonathan Stone* (Super. Ct.
13 L.A. County, 2011, No. BA376530-02). The Court ordered respondent to pay restitution to
14 victim, Indymac Bank, in the amount of \$230,000.00, and placed him on 60 months formal
15 probation, with terms and conditions.

16 b. The circumstances surrounding the conviction are that on or about July 3, 2007,
17 proceeds from a fraudulent sale of a house were wired to Respondent's bank account. Respondent
18 subsequently wired money from his account to another account belonging to him. In addition
19 Respondent was captured on video surveillance withdrawing \$30,000.00 from the original
20 account.

21 c. On or about March 9, 2007, after pleading guilty, Respondent was convicted of one
22 misdemeanor count of violating Penal Code section 647, subdivision (f) [disorderly conduct/public
23 intoxication] in the criminal proceeding entitled *The People of the State of California v. Jonathan*
24 *Terrell Stone* (Super. Ct. San Bernardino County, 2007, No. MWV109242). The Court placed
25 Respondent 24 months probation, with terms and conditions

26 d. The circumstances surrounding the conviction are that on or about November 26,
27 2006, Respondent was asked to leave the Ontario Convention Center after jumping up on the
28 stage during a concert. Once outside, Respondent urinated on a pillar at the main entrance. An

1 Ontario Police Officer was called by security after Respondent refused to leave. Respondent was
2 found slumped over in a corner. When Respondent saw the officer, he attempted to stand up, but
3 had difficulty maintaining his balance. The officer could smell a strong smell of alcohol on his
4 breath. He was observed to have red, watery eyes, and slurred speech. Respondent was
5 subsequently arrested after it was determined that he could not care for his safety or the safety of
6 others.

7 e. On or about December 6, 2006, after pleading nolo contendere, Respondent was
8 convicted of one misdemeanor count of violating Vehicle Code section 23152, subdivision (b)
9 [driving while having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding
10 entitled *The People of the State of California v. Jonathan T. Stone* (Super. Ct. L.A. County, 2006,
11 No. 6MP11387). The Court sentenced Respondent to serve ten days in Los Angeles County Jail
12 and placed him on 60 months probation, with terms and conditions.

13 f. The circumstances surrounding the conviction are that on or about October 28, 2006,
14 drove a vehicle while having 0.08% or more, by weight of alcohol in his blood.

15 g. On or about January 31, 2006, after pleading guilty, Respondent was convicted of one
16 misdemeanor count of violating Vehicle Code section 12500, subdivision (a) [driving without a
17 license] in the criminal proceeding entitled *The People of the State of California v. Jonathan*
18 *Terrell Stone* (Super. Ct. L.A. County, 2006, No. 5PM09489). The Court placed Respondent on
19 one year probation, with terms and conditions.

20 h. The circumstances surrounding the conviction are that on or about December 2, 2005,
21 Respondent drove a vehicle without a license.

22 i. On or about April 27, 2004, after pleading guilty, Respondent was convicted of one
23 misdemeanor count of violating Vehicle Code section 23152, subdivision (a) [driving under the
24 influence of alcohol or drugs] and one misdemeanor count of violating Vehicle Code section
25 23152, subdivision (b) [driving while having 0.08% or more, by weight, of alcohol in his blood] in
26 the criminal proceeding entitled *The People of the State of California v. Jonathan Terrell Stone*
27 (Super. Ct. San Bernardino County, 2004, No. TWV043867). The Court placed Respondent on
28 36 months probation, with terms and conditions.

1 j. The circumstance surrounding the conviction are that on or about March 5, 2004,
2 Respondent drove a vehicle while having 0.08% or more, by weight, of alcohol in his blood.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Acts Involving Dishonesty, Fraud, or Deceit)**

5 10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in
6 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to
7 substantially benefit herself, or substantially injure another. Complainant refers to, and by this
8 reference incorporates, the allegations set forth above in paragraph 9, subparagraphs (a) and (b),
9 inclusive, as though set forth fully

10 **THIRD CAUSE FOR DENIAL OF APPLICATION**

11 **(Knowingly Made a False Statement of Fact)**

12 11. Respondent application is subject to denial under section 480, subdivision (c), in that
13 on or about October 14, 2013, Respondent knowingly made a false statement of fact by failing to
14 disclose four additional convictions, on his application for licensure. In addition, Respondent
15 signed under penalty of perjury, under the laws of the State of California, that the forgoing was
16 true and correct, on his application for licensure. Complainant refers to, and by this reference
17 incorporates, the allegations set forth in paragraph 9, subparagraphs (c) through (j), inclusive, as
18 though set forth fully.

19 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

20 **(Acts Warranting Denial of Licensure)**

21 12. Respondent's application is subject to denial under sections 4301, subdivision (p) and /
22 or (o), and 480, subdivisions (a)(3)A) and (a)(3)(B), in that Respondent committed acts which if
23 done by a licentiate of the business and profession in question, would be grounds for suspension or
24 revocation of his license as follows:

25 a. Respondent was convicted of crimes substantially related to the qualifications,
26 functions, or duties of a pharmacy technician which to a substantial degree evidence his present or
27 potential unfitness to perform the functions authorized by his license in a manner consistent with
28 the public health, safety, or welfare, in violation of sections 4301, subdivision (l), and 490, in

1 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,
2 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraphs
3 (a) through (j), inclusive, as though set forth fully.

4 b. Respondent committed acts involving dishonesty, fraud, or deceit, in violation of
5 section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the
6 allegations set forth above in paragraph 9, subparagraphs (a) and (b), inclusive, as though set forth
7 fully.

8 c. Respondent used alcoholic beverages to an extent or in a manner dangerous or
9 injurious to himself, any person, or the public, in violation of section 4301, subdivision (h).
10 Complainant refers to, and by this reference incorporates, the allegations set forth above in
11 paragraph 9, subparagraphs (d), (f), and (j), inclusive, as though set forth fully.

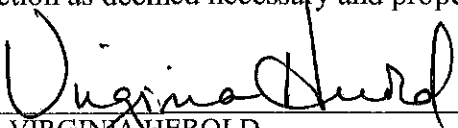
12 d. Respondent sustained more than one conviction involving the consumption of
13 alcoholic beverages, in violation of sections 4301, subdivisions (k). Complainant refers to, and by
14 this reference incorporates, the allegations set forth above in paragraph 9, subparagraphs (c), (e),
15 and (i), inclusive, as though set forth fully.

16
17 **PRAYER**

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

- 20 1. Denying the application of Jonathan Terrell Stone for a Pharmacy Technician
21 Registration; and
22 2. Taking such other and further action as deemed necessary and proper.

23 DATED: 3/31/15

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

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