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

11 In the Matter of the Statement of Issues  
12 Against:

Case No. 5652

13 **LONZO LEROY JOHNSON**

**STATEMENT OF ISSUES**

14 **Pharmacy Technician Registration**  
15 **Applicant**

16 Respondent.

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, Department of Consumer Affairs  
21 (Board).

22 2. On or about March 4, 2015, the Board received an application for a Pharmacy  
23 Technician Registration from Lonzo Leroy Johnson (Respondent). On or about March 3, 2015,  
24 Lonzo Leroy Johnson certified under penalty of perjury to the truthfulness of all statements,  
25 answers, and representations in the application. The Board denied the application on September  
26 25, 2015.

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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 references  
4 are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 4300(c) of the Code provides, in pertinent part, that the Board may refuse a  
6 license to any applicant guilty of unprofessional conduct. The Board may, in its sole discretion,  
7 issue a probationary license to any applicant for a license who is guilty of unprofessional conduct  
8 and who has met all other requirements for licensure.

9 **STATUTORY PROVISIONS**

10 5. Section 475 of the Code states:

11 (a) Notwithstanding any other provisions of this code, the provisions of this  
12 division shall govern the denial of licenses on the grounds of:

13 (1) Knowingly making a false statement of material fact, or knowingly omitting  
14 to state a material fact, in an application for a license.

15 (2) Conviction of a crime.

16 (3) Commission of any act involving dishonesty, fraud or deceit with the intent  
17 to substantially benefit himself or another, or substantially injure another.

18 (4) Commission of any act which, if done by a licentiate of the business or  
19 profession in question, would be grounds for suspension or revocation of license.

20 (b) Notwithstanding any other provisions of this code, the provisions of this  
21 division shall govern the suspension and revocation of licenses on grounds specified in  
22 paragraphs (1) and (2) of subdivision (a) .

23 (c) A license shall not be denied, suspended, or revoked on the grounds of a lack of  
24 good moral character or any similar ground relating to an applicant's character,  
25 reputation, personality, or habits.

26 6. Section 480 of the Code states:

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

(1) Been convicted of a crime. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

1 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
2 substantially benefit himself or herself or another, or substantially injure another.

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

5 (3)(B) The board may deny a license pursuant to this subdivision only if the  
6 crime or act is substantially related to the qualifications, functions, or duties of the  
7 business or profession for which application is made.

8 (b) Notwithstanding any other provision of this code, a person shall not be denied a  
9 license solely on the basis that he or she has been convicted of a felony if he or she has  
10 obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section  
11 4852.01) of Title 6 of Part 3 of the Penal Code or that he or she has been convicted of a  
12 misdemeanor if he or she has met all applicable requirements of the criteria of  
13 rehabilitation developed by the board to evaluate the rehabilitation of a person when  
14 considering the denial of a license under subdivision (a) of Section 482.

15 (c) Notwithstanding any other provisions of this code, a person shall not be denied a  
16 license solely on the basis of a conviction that has been dismissed pursuant to Section  
17 1203.4, 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that  
18 has been dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code  
19 shall provide proof of the dismissal.

20 (d) A board may deny a license regulated by this code on the ground that the  
21 applicant knowingly made a false statement of fact required to be revealed in the  
22 application for the license.

23 7. Section 4301 of the Code states:

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

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

### CAUSE FOR DENIAL OF APPLICATION

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

8. Respondent's application for registration as a pharmacy technician is subject to denial  
under sections 480(a)(2) and 480(a)(3)(A) of the Code in that Respondent committed acts  
involving dishonesty, fraud or deceit on September 22, 2010. Said conduct would be a cause for  
discipline under section 4301(f) of the Code for a registered pharmacy technician. The  
circumstances are as follows:

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1 a. On the afternoon of September 22, 2010, officers with the Fountain Valley  
2 Police Department were dispatched to a Bank of America (BoA) regarding a forgery in progress.  
3 A female suspect had attempted to cash a check in the amount of \$5,000 at one BoA location, but  
4 was turned away. A few hours later, she attempted to cash the same check at a second BoA  
5 branch. The suspect initially told the officer that she was given the check by her grandmother, but  
6 changed her story and said the check had been given to her by a friend. She was going to receive  
7 \$2,000 in exchange for cashing the check. The check was traced to the account of a 99-year-old  
8 terminally ill woman. The female suspect was arrested. On the same day, a check printing  
9 company contacted a BoA fraud investigator stating that someone attempting to impersonate the  
10 victim called three times to order checks using the victim's account number. Meanwhile, at  
11 another BoA branch, the Fountain Valley Police Department was dispatched to investigate a  
12 suspected forgery involving Respondent. Respondent had presented a check for \$6,200 to the  
13 teller; bank personnel were suspicious and contacted BoA corporate security who confirmed that  
14 the check was fraudulent. An officer made contact with Respondent in the BoA lobby.  
15 Respondent explained that he received the check from his grandmother. The officer contacted the  
16 victim and learned from the victim's caretaker that they had already been notified regarding other  
17 fraudulent checks. Respondent told the officers that two friends contacted him the previous day to  
18 confirm that he had a BoA account, and that they offered Respondent \$500 in "easy money" to  
19 cash a check for them. Respondent told the officers he believed the friends could not cash the  
20 check themselves because they had no identification. Respondent could not provide any names or  
21 identification for his friends. Respondent admitted that when he told the teller that he received the  
22 check from his grandmother, he knew that to be a lie.

23 b. On or about October 5, 2010, in a criminal proceeding entitled *State of*  
24 *California v. Lonzo Leroy Johnson Jr.*, in Orange County Superior Court, case number  
25 10WF2368, Respondent was convicted on his plea of guilty to violating Penal Code section 459-  
26 460(b), second degree commercial burglary, a felony reduced to a misdemeanor offense pursuant  
27 to Penal Code section 17(b). As a result of a plea agreement, the court dismissed an additional  
28 count of attempting to pass a fraudulent check (Pen. Code, § 470(d)).

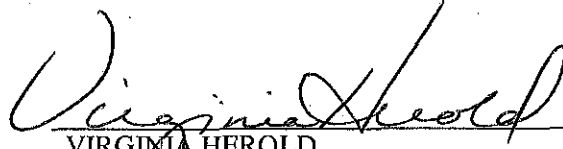
1 c. As a result of the conviction, Respondent was granted informal probation for  
2 three years, and ordered to complete four days of CalTrans work service, pay fees, fines and  
3 restitution, and comply with standard probation terms. On June 15, 2015, the court granted  
4 Respondent's petition, and the conviction was dismissed pursuant to Penal Code section 1203.4.

5 **PRAYER**

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

- 8 1. Denying the application of Lonzo Leroy Johnson for a Pharmacy Technician  
9 Registration;  
10 2. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 11/4/15



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

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