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

In the Matter of the Accusation Against:
JONATHAN RALPH SHEDDY
1114 West Lewis Street
San Diego, CA 92103
Pharmacy Technician Registration
No. TCH 131015

Respondent.

Case No. 5793
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about September 15, 2016, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 5793 against Jonathan Ralph Shetty (Respondent). (A copy of the Accusation is attached as Exhibit A.)
2. On or about April 4, 2013, the Board issued Pharmacy Technician Registration No. TCH 131015 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5793. The Pharmacy Technician Registration was automatically suspended effective September 9, 2016. The Pharmacy Technician license will expire on February 28, 2017, unless renewed.
3. On or about September 16, 2016, Respondent was served by Certified and First Class Mail copies of the Accusation No. 5793, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 4100 and California Code of Regulations, title 16, section 1704, is required to be reported
4 and maintained with the Board. Respondent's address of record was and is:

5 1114 West Lewis Street
6 San Diego, CA 92103

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about September 16, 2016, Respondent was served by Certified and First Class
11 Mail copies of the aforementioned documents to an alternate address known for Respondent
12 which was:

13 California Rehabilitation Center
14 Jonathan Ralph Sheddy #BA5516
15 P.O. Box 3535
Norco, CA 92860

16 6. On or about October 26, 2016, the Domestic Return Receipt for the Certified Mail
17 served to the alternate address was signed by the mail clerk demonstrating delivery.

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

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

24 8. Respondent failed to file a Notice of Defense within 15 days after service upon him
25 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
26 5793.

27 9. California Government Code section 11520(a) states, in pertinent part:

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

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 131015, heretofore issued to Respondent Jonathan Ralph Sheddy, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective at 5:00 p.m. on January 26, 2017.

It is so ORDERED on December 27, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

DOJ Matter ID: SD2016702222

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(JONATHAN RALPH SHEDDY)

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7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 5793

13 **JONATHAN RALPH SHEDDY**
14 **1114 West Lewis Street**
San Diego, CA 92103

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. 131015**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about April 4, 2013, the Board issued Pharmacy Technician Registration
24 Number 131015 to Jonathan Ralph Shеды (Respondent). The Pharmacy Technician Registration
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 February 28, 2017, unless renewed.

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JURISDICTION

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

4. Section 4300, subdivision (a) of the Code states: "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

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

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STATUTORY PROVISIONS

6. Section 482 of the Code states:

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

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

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

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

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order

1 to fix the degree of discipline or to determine if the conviction is substantially related
2 to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 4301 of the Code states:

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

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

REGULATORY PROVISIONS

10. California Code of Regulations, title 16, section 1769, subdivision (b) states:

(b) When considering the suspension or revocation of a facility or a personal
License on the ground that the licensee or the registrant has been convicted of a
crime, the board, in evaluating the rehabilitation of such person and his present
eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation,
restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

1 11. California Code of Regulations, title 16, section 1770, states:

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

6 COSTS

7 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 CAUSE FOR DISCIPLINE

14 **(May 25, 2016 Criminal Convictions for Attempted Kidnapping, Shooting at an Inhabited** 15 **Occupied Structure and Possession of a Dirk/Dagger on February 16, 2016)**

16 13. Respondent has subjected his registration to discipline under sections 490 and 4301,
17 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
18 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

19 a. On or about May 25, 2016, in a criminal proceeding entitled *People of the State*
20 *of California v. Jonathan Ralph Shetty*, in San Diego County Superior Court, case number
21 CD265678, Respondent was convicted on his plea of guilty to violating Penal Code sections 207,
22 subdivision (a) and 664, attempted kidnapping; and Penal Code section 246, shooting at an
23 inhabited occupied structure, felonies; and Penal Code section 21310, possession of a dirk/dagger,
24 a misdemeanor count added to the complaint by interlineation. The court found that while in the
25 commission of the attempted kidnapping, Respondent personally used a dangerous weapon, to
26 wit: a knife, within the meaning of Penal Code section 12022.53, subdivision (b). In exchange
27 for the plea, the court dismissed additional counts of carjacking (Pen. Code, § 215(a)), assault
28 with a deadly weapon (Pen. Code, § 245(a)(1)), robbery (Pen. Code, § 211), three counts of

1 shooting at an unoccupied structure/vehicle (Pen. Code, § 247), exhibiting a deadly weapon other
2 than a firearm (Pen. Code, § 417(a)(1)), and two counts of vandalism under \$400 (Pen. Code, §
3 594(a)(b)(2)(A)).

4 b. As a result of the convictions, on or about July 11, 2016, Respondent was
5 sentenced to serve a total of 11 years, six months in state prison, with pre-custody credit for 169
6 days. Respondent was ordered to pay restitution to the victims.

7 c. The facts that led to the convictions are that on or about February 16, 2016, at
8 about 2:15 a.m., Respondent woke his wife and told her that they needed to get away. According
9 to Respondent's wife, he was acting and speaking irrationally. Respondent took a shotgun from
10 the closet and told his wife that she should shoot him before he kills anyone. Respondent's wife
11 feared for her safety and left the house. Officers responded to reports of shots being fired at about
12 2:30 a.m. Officers found an empty box of 00 buck shotgun shells in Respondent's backyard. A
13 vehicle in the vicinity had shotgun damage. He also shot at and caused damage to a school, and
14 shattered the patio door of an occupied residence. At about 4:30 a.m., officers responded to a call
15 of a carjacking approximately 12 miles away. The victim reported that he had observed
16 Respondent driving erratically on the freeway. The victim exited the freeway and Respondent
17 followed and sideswiped the victim's vehicle. When the victim got out of his vehicle,
18 Respondent confronted him holding a shotgun and demanded that the victim take him to Nevada.
19 When the victim stated he was scared, Respondent handed the victim his shotgun. The victim ran
20 away with the shotgun. When Respondent attempted to chase after him, the victim shot a round
21 into the air. Respondent left in the victim's truck, but was apprehended at approximately 4:45
22 a.m. Officers learned that sometime between 2:30 and 4:30 a.m., Respondent robbed a Chevron
23 store for a cigarette lighter, and he vandalized tires on three cars.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacy Technician Registration Number 131015, issued
28 to Jonathan Ralph Sheddy;

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2. Ordering Jonathan Ralph Shedly to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 9/18/16

Virginia Herold

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

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