

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

In the Matter of the Statement of Issues  
Against:

**LONZO LEROY JOHNSON**

**Pharmacy Technician Registration  
Applicant**

Respondent.

Case No. 5652

OAH No. 2015120436

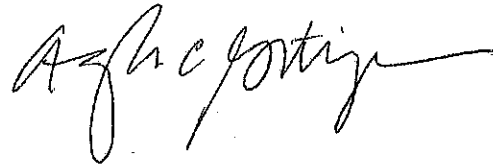
**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on April 28, 2016.

It is so ORDERED on March 29, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
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2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
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8 *Attorneys for Complainant*

9  
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15 **Pharmacy Technician Registration  
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16 Respondent.  
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Case No. 5652

OAH No. 2015120436

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
19 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
20 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
21 be submitted to the Board for approval and adoption as the final disposition of the Statement of  
22 Issues.

23 PARTIES

24 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
25 She brought this action solely in her official capacity and is represented in this matter by Kamala  
26 D. Harris, Attorney General of the State of California, by Adrian R. Contreras, Deputy Attorney  
27 General.  
28



1  
2 10. For the purpose of resolving the Statement of Issues without the expense and  
3 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
4 establish a factual basis for the charges in the Statement of Issues, and that Respondent hereby  
5 gives up his right to contest those charges.

6 11. Respondent agrees that his application is subject to denial and agrees to be bound by  
7 the Board's imposition of discipline as set forth in the Disciplinary Order below.

8 CONTINGENCY

9 12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
10 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
11 communicate directly with the Board regarding this stipulation and settlement, without notice to  
12 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
13 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
14 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
15 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
16 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
17 and the Board shall not be disqualified from further action by having considered this matter.

18 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
20 signatures thereto, shall have the same force and effect as the originals.

21 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
26 writing executed by an authorized representative of each of the parties.



1 Respondent shall report any of the following occurrences to the board, in writing, within  
2 seventy-two (72) hours of such occurrence:

- 3  an arrest or issuance of a criminal complaint for violation of any provision of the  
4 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
5 substances laws
- 6  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
7 criminal complaint, information or indictment
- 8  a conviction of any crime
- 9  discipline, citation, or other administrative action filed by any state or federal agency  
10 which involves respondent's pharmacy technician registration or which is related to  
11 the practice of pharmacy or the manufacturing, obtaining, handling, distributing,  
12 billing, or charging for any drug, device or controlled substance.

13 Failure to timely report any such occurrence shall be considered a violation of probation.

### 14 3. Report to the Board

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

### 23 4. Interview with the Board

24 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
25 with the board or its designee, at such intervals and locations as are determined by the board or its  
26 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
27 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
28 the period of probation, shall be considered a violation of probation.

1           **5. Cooperate with Board Staff**

2           Respondent shall cooperate with the board's inspection program and with the board's  
3 monitoring and investigation of respondent's compliance with the terms and conditions of his  
4 probation. Failure to cooperate shall be considered a violation of probation.

5           **6. Notice to Employers**

6           During the period of probation, respondent shall notify all present and prospective  
7 employers of the decision in case number 5652 and the terms, conditions and restrictions imposed  
8 on respondent by the decision, as follows:

9           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
10 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
11 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
12 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
13 individual(s) has/have read the decision in case number 5652 and the terms and conditions  
14 imposed thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or  
15 supervisor(s) submit timely acknowledgement(s) to the board.

16           If respondent works for or is employed by or through a pharmacy employment service,  
17 respondent must notify his direct supervisor, pharmacist-in-charge and owner at every pharmacy  
18 of the terms and conditions of the decision in case number 5652 in advance of the respondent  
19 commencing work at each pharmacy. A record of this notification must be provided to the board  
20 upon request.

21           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
22 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
23 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
24 report to the board in writing acknowledging that he has read the decision in case number 5652  
25 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
26 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

27           Failure to timely notify present or prospective employer(s) or to cause that/those  
28 employer(s) to submit timely acknowledgements to the board shall be considered a violation of

1 probation.

2 "Employment" within the meaning of this provision shall include any full-time, part-  
3 time, temporary or relief service or pharmacy management service as a pharmacy  
4 technician or in any position for which a pharmacy technician registration is a requirement  
5 or criterion for employment, whether the respondent is considered an employee,  
6 independent contractor or volunteer.

7 **7. Probation Monitoring Costs**

8 Respondent shall pay any costs associated with probation monitoring as determined by the  
9 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
10 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
11 be considered a violation of probation.

12 **8. Status of Registration**

13 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
14 technician registration with the board, including any period during which suspension or probation  
15 is tolled. Failure to maintain an active, current registration shall be considered a violation of  
16 probation.

17 If respondent's pharmacy technician registration expires or is cancelled by operation of law  
18 or otherwise at any time during the period of probation, including any extensions thereof due to  
19 tolling or otherwise, upon renewal or reapplication respondent's registration shall be subject to all  
20 terms and conditions of this probation not previously satisfied.

21 **9. Registration Surrender While on Probation/Suspension**

22 Following the effective date of this decision, should respondent cease work due to  
23 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
24 respondent may tender his pharmacy technician registration to the board for surrender. The board  
25 or its designee shall have the discretion whether to grant the request for surrender or take any  
26 other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
27 registration, respondent will no longer be subject to the terms and conditions of probation. This  
28 surrender constitutes a record of discipline and shall become a part of the respondent's



1 registration history with the board.

2       Upon acceptance of the surrender, respondent shall relinquish his pharmacy technician  
3 registration to the board within ten (10) days of notification by the board that the surrender is  
4 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
5 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
6 applicable to the license sought as of the date the application for that license is submitted to the  
7 board.

8       **10. Notification of a Change in Name, Residence Address, Mailing Address or**  
9 **Employment**

10       Respondent shall notify the board in writing within ten (10) days of any change of  
11 employment. Said notification shall include the reasons for leaving, the address of the new  
12 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
13 shall further notify the board in writing within ten (10) days of a change in name, residence  
14 address and mailing address, or phone number.

15       Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
16 phone number(s) shall be considered a violation of probation.

17       **11. Tolling of Probation**

18       Except during periods of suspension, respondent shall, at all times while on probation, be  
19 employed as a pharmacy technician in California for a minimum of forty hours per calendar  
20 month. Any month during which this minimum is not met shall toll the period of probation, i.e.,  
21 the period of probation shall be extended by one month for each month during which this  
22 minimum is not met. During any such period of tolling of probation, respondent must  
23 nonetheless comply with all terms and conditions of probation.

24       Should respondent, regardless of residency, for any reason (including vacation) cease  
25 working as a pharmacy technician for a minimum of forty hours per calendar month in California,  
26 respondent must notify the board in writing within ten (10) days of cessation of work and must  
27 further notify the board in writing within ten (10) days of the resumption of the work. Any failure  
28 to provide such notification(s) shall be considered a violation of probation.

1 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months.

4 "Cessation of work" means calendar month during which respondent is not working  
5 for at least forty hours as a pharmacy technician, as defined in Business and Professions  
6 Code section 4115. "Resumption of work" means any calendar month during which  
7 respondent is working as a pharmacy technician for at least forty hours as a pharmacy  
8 technician as defined by Business and Professions Code section 4115.

9 **12. Violation of Probation**

10 If a respondent has not complied with any term or condition of probation, the board shall  
11 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
12 all terms and conditions have been satisfied or the board has taken other action as deemed  
13 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
14 to impose the penalty that was stayed.

15 If respondent violates probation in any respect, the board, after giving respondent notice  
16 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
17 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
18 violation thereof may lead to automatic termination of the stay and/or revocation of the  
19 registration. If a petition to revoke probation or an accusation is filed against respondent during  
20 probation, the board shall have continuing jurisdiction, and the period of probation shall be  
21 automatically extended until the petition to revoke probation or accusation is heard and decided.

22 **13. Completion of Probation**

23 Upon written notice by the board indicating successful completion of probation,  
24 respondent's pharmacy technician registration will be fully restored.

25 **14. No Ownership of Licensed Premises**

26 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
27 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
28 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

1 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
2 days following the effective date of this decision and shall immediately thereafter provide written  
3 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
4 documentation thereof shall be considered a violation of probation.

5 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
6 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
7 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or  
8 has any legal or beneficial interest in, or serve as a manager, administrator, member, officer,  
9 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
10 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold  
11 that interest, but only to the extent of that position or interest as of the effective of this decision.  
12 Violation of this restriction shall be considered a violation of probation.

13 **15. Ethics Counseling**

14 Within sixty (60) calendar days of the effective date of this decision, Respondent shall  
15 enroll in a counseling program in ethics, at Respondent's expense, approved in advance by the  
16 Board or its designee. Respondent shall enroll and successfully complete a total of twenty four  
17 (24) sessions of ethics counseling under this provision. Failure to complete the 24 total sessions  
18 within the first two years of probation is a violation of probation.

19 Respondent shall submit certifications from the counseling program on a quarterly basis to  
20 the Board or its designee, confirming Respondent's attendance and participation in the counseling  
21 program.

22 **16. Restricted Practice**

23 For the first two years of probation, Respondent's practice as a pharmacy technician shall  
24 be restricted to be used only in a community pharmacy setting. Thereafter, Respondent's practice  
25 as a pharmacy technician shall not be restricted. Respondent shall submit proof satisfactory to the  
26 board of compliance with this term of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Eric J. Benink, Esq. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration Application. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_  
LONZO LEROY JOHNSON  
Respondent

I have read and fully discussed with Respondent Lonzo Leroy Johnson the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

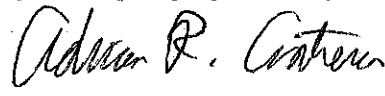
DATED: \_\_\_\_\_  
ERIC J. BENINK, ESQ.  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 2/23/16

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General



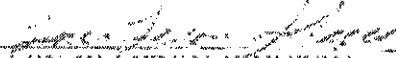
ADRIAN R. CONTRERAS  
Deputy Attorney General  
*Attorneys for Complainant*

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1 ACCEPTANCE

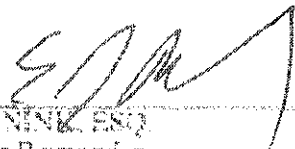
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
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4 will have on my Pharmacy Technician Registration Application. I enter into this stipulated  
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
6 bound by the Decision and Order of the Board of Pharmacy.

7  
8 DATED: 2/23/16

  
9 LONZO LEROY JOHNSON  
Respondent

10 I have read and fully discussed with Respondent Lonzo Leroy Johnson the terms and  
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
12 I approve its form and content.

13 DATED: 2/23/16

  
14 ERIC J. BENINK, ESQ.  
Attorney for Respondent

15  
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
18 submitted for consideration by the Board of Pharmacy.

19  
20 Dated:

Respectfully submitted,

21 KAMARA D. HARRIS  
22 Attorney General of California  
23 GAIL CORRY J. SALLIE  
Supervising Deputy Attorney General

24  
25 ADRIAN R. CONTRERAS  
26 Deputy Attorney General  
Attorney for Complainant

27 SDE015803746  
28 8-216-119 JCS

**Exhibit A**

**Statement of Issues No. 5652**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
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5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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14 **Pharmacy Technician Registration**  
15 **Applicant**  
16 Respondent.

Case No. 5652  
**STATEMENT OF ISSUES**

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.

27 ///  
28 ///





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)).

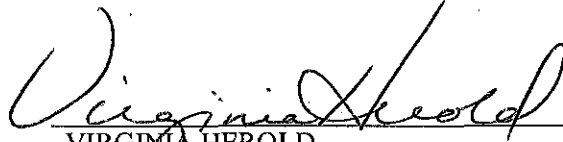
1 c. As a result of the conviction, Respondent was granted informal probation for  
2 three years, and ordered to complete four days of CalTrans work service, pay fees, fines and  
3 restitution, and comply with standard probation terms. On June 15, 2015, the court granted  
4 Respondent's petition,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



13 VIRGINIA HEROLD  
14 Executive Officer  
15 Board of Pharmacy  
16 Department of Consumer Affairs  
17 State of California  
18 Complainant

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