

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

In the Matter of the First Amended Accusation Against:

JONATHAN SZKOTAK, Respondent

Pharmacist License No. RPH 66330

Agency Case No. 6462

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 June 23, 2023.

It is so ORDERED on May 24, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 AMBER N. WIPFLER
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the First Amended Accusation
Against:

Case No. 6462

13 **JONATHAN SZKOTAK**
14 **14 Tulip Lane**
San Carlos, CA 94070

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 **Pharmacist License No. RPH 66330**

16 Respondent.
17

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Amber N. Wipfler, Deputy Attorney
25 General.

26 2. Jonathan Szkotak (Respondent) is represented in this proceeding by attorney Shannon
27 V. Baker of Rothschild Wishek & Sands LLP, 765 University Avenue, Sacramento, CA 95825.
28

3. On or about October 17, 2011, the Board issued Pharmacist License Number RPH 66330 to Respondent. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and expired on December 31, 2022. On or about February 13, 2019, the Superior Court of Contra Costa County issued an order prohibiting Respondent from working as a licensed pharmacist or providing services for which a pharmacist license is required until the conclusion of this administrative action or the criminal proceedings in *People v. Szkotak*, Case No. 01-187866-9.

JURISDICTION

4. First Amended Accusation No. 6462¹ was filed before the Board and is currently pending against Respondent. The First Amended Accusation and all other statutorily required documents were properly served on Respondent on November 15, 2022. Respondent timely filed his Notice of Defense contesting the original Accusation, filed on September 13, 2019. A copy of First Amended Accusation No. 6462 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in First Amended Accusation No. 6462. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

¹ Paragraph 21 of Accusation contains an administrative error. The correct county of conviction is Contra Costa, rather than Alameda.

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2 **CULPABILITY**

3 8. Respondent understands that the charges and allegations in First Amended First
4 Amended Accusation No. 6462, if proven at a hearing, constitute cause for imposing discipline
5 upon his Pharmacist License.

6 9. For the purpose of resolving the First Amended Accusation without the expense and
7 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could
8 establish a factual basis for the charges in the First Amended Accusation and that those charges
9 constitute cause for discipline. Respondent hereby gives up his right to contest that cause for
10 discipline exists based on those charges.

11 10. Respondent understands that by signing this stipulation he enables the Board to issue
12 an order accepting the surrender of his Pharmacist License without further process.

13 **CONTINGENCY**

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

23 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
25 thereto, shall have the same force and effect as the originals.

26 13. This Stipulated Surrender of License and Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
3 executed by an authorized representative of each of the parties.

4 14. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Board may, without further notice or formal proceeding, issue and enter the following Order:

6 **ORDER**

7 IT IS HEREBY ORDERED that Pharmacist License No. RPH 66330, issued to Respondent
8 Jonathan Szkotak, is surrendered and accepted by the Board.

9 1. The surrender of Respondent's Pharmacist License and the acceptance of the
10 surrendered license by the Board shall constitute the imposition of discipline against Respondent.
11 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
12 license history with the Board.

13 2. Respondent shall lose all rights and privileges as a licensed pharmacist in California
14 as of the effective date of the Board's Decision and Order.

15 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
16 issued, his wall certificate on or before the effective date of the Decision and Order.

17 4. Respondent may not apply, reapply, or petition for any licensure or registration of the
18 Board for three (3) years from the effective date of the Decision and Order.

19 5. If Respondent ever applies for licensure or petitions for reinstatement in the State of
20 California, the Board shall treat it as a new application for licensure. Respondent must comply
21 with all the laws, regulations and procedures for licensure in effect at the time the application or
22 petition is filed, and all of the charges and allegations contained in First Amended Accusation No.
23 6462 shall be deemed to be true, correct and admitted by Respondent when the Board determines
24 whether to grant or deny the application or petition.

25 6. If Respondent should ever apply or reapply for a new license or certification, or
26 petition for reinstatement of a license, by any other health care licensing agency in the State of
27 California, all of the charges and allegations contained in First Amended Accusation, No. 6462
28

1 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
2 of Issues or any other proceeding seeking to deny or restrict licensure.

3 7. Respondent shall pay the agency its costs of investigation and enforcement in the
4 amount of \$10,351.00 prior to issuance of a new or reinstated license.

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7 **ACCEPTANCE**

8 I have carefully read the above Stipulated Surrender of License and Order and have fully
9 discussed it with my attorney. I understand the stipulation and the effect it will have on my
10 Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily,
11 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
12 Pharmacy.

13
14 DATED: _____

15 JONATHAN SZKOTAK
16 *Respondent*
17

18 I have read and fully discussed with Respondent Jonathan Szkotak the terms and conditions
19 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
20 and content.

21 DATED: _____

22 SHANNON V. BAKER
23 *Attorney for Respondent*
24
25
26
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1 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement
2 of Issues or any other proceeding seeking to deny or restrict licensure.

3 7. Respondent shall pay the agency its costs of investigation and enforcement in the
4 amount of \$10,351.00 prior to issuance of a new or reinstated license.

5
6
7 ACCEPTANCE

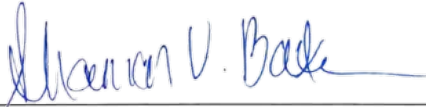
8 I have carefully read the above Stipulated Surrender of License and Order and have fully
9 discussed it with my attorney. I understand the stipulation and the effect it will have on my
10 Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily,
11 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
12 Pharmacy.

13
14 DATED: 4/17/23


15 JONATHAN SZKOTAK
16 Respondent

17
18 I have read and fully discussed with Respondent Jonathan Szkotak the terms and conditions
19 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
20 and content.

21 DATED: 4-18-2023


22 SHANNON V. BAKER
23 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General

AMBER N. WIPFLER
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: April 18, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
JOSHUA A. ROOM
Supervising Deputy Attorney General



AMBER N. WIPFLER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 6462

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 AMBER N. WIPFLER
Deputy Attorney General
4 State Bar No. 238484
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3550
6 Facsimile: (415) 703-5480
E-mail: Amber.Wipfler@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 6432

13 **JONATHAN L. SZKOTAK**
14 **14 Tulip Lane**
15 **San Carlos, CA 94070**

FIRST AMENDED ACCUSATION

16 **Pharmacist License No. RPH 66330**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Anne Sodergren (Complainant) brings this First Amended Accusation solely in her
20 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
21 Consumer Affairs.

22 2. On or about October 17, 2011, the Board issued Pharmacist License Number RPH
23 66330 to Jonathan L. Szkotak (Respondent). The Pharmacist License was in full force and effect
24 at all times relevant to the charges brought herein and will expire on December 31, 2022, unless
25 renewed. On or about February 13, 2019, the Superior Court of Contra Costa County issued an
26 order prohibiting Respondent from working as a licensed pharmacist or providing services for
27 which a pharmacist license is required until the conclusion of this administrative action or the
28 criminal proceedings in *People v. Szkotak*, Case No. 01-187866-9.

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STATUTORY PROVISIONS

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1 9. Code Section 4060 states:

2 A person shall not possess any controlled substance, except that furnished to a person
3 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
4 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
5 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
6 pursuant to Section 2836.1 , a physician assistant pursuant to Section 3502.1, a
7 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to Section
8 4052.1 , 4052.2 , or 4052.6.

9 ...

10 10. Code Section 4301 states:

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

14 ...

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

18 ...

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

24 ...

25 (j) The violation of any of the statutes of this state, of any other state, or of the United
26 States regulating controlled substances and dangerous drugs.

27 ...

28 (l) The conviction of a crime substantially related to the qualifications, functions, and
duties of a licensee under this chapter. The record of conviction of a violation of
Chapter 13 (commencing with Section 801) of Title 21 of the United States Code
regulating controlled substances or of a violation of the statutes of this state
regulating controlled substances or dangerous drugs shall be conclusive evidence of
unprofessional conduct. In all other cases, the record of conviction shall be
conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action 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

1 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
2 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
3 dismissing the accusation, information, or indictment.

4 . . .

5 11. Health and Safety Code section 11350, subdivision (a) states:

6 Except as otherwise provided in this division, every person who possesses (1) any
7 controlled substance specified in subdivision (b), (c), (e), or paragraph (1) of
8 subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of
9 subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section
10 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled
11 substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon
12 the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to
13 practice in this state, shall be punished by imprisonment in a county jail for not more
14 than one year . . .

15 COST RECOVERY

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

22 CONTROLLED SUBSTANCES/DANGEROUS DRUGS

23 13. Code section 4021 states: “‘Controlled substance’ means any substance listed in
24 Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

25 14. Section 4022 of the Code states:

26 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self
27 use, except veterinary drugs that are labeled as such, and includes the following:

28 (a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
prescription,’ ‘Rx only,’ or words of similar import.

29 . . .

30 (c) Any other drug or device that by federal or state law can be lawfully dispensed
only on prescription or furnished pursuant to Section 4006.

31 15. **Buprenorphine** is a Schedule V controlled substance as designated by Health and
32 Safety Code section 11058, subdivision (d) and a dangerous drug as designated by Business and

1 Professions Code section 4022. It is an opioid analgesic used to treat opioid addiction and severe
2 pain.

3 16. **Clonazepam** is a Schedule IV controlled substance as designated by Health and
4 Safety Code section 11057, subdivision (d)(7) and a dangerous drug as designated by Business
5 and Professions Code section 4022. It is a benzodiazepine used to treat seizures, panic disorder,
6 and anxiety.

7 FACTUAL SUMMARY

8 17. On or about April 3, 2018, Respondent committed armed robbery of a CVS Pharmacy
9 in Danville, California. Respondent, disguised with a surgical mask and several layers of
10 clothing, entered the establishment at approximately 8:00 a.m. and walked to the pharmacy
11 counter, where he brandished a handgun and gave an employee a note demanding Buprenorphine
12 8 mg and Clonazepam .5 mg. The employee obtained the following medications and gave them
13 to Respondent, after which Respondent retrieved the gun and note and exited the store.

- 14 • 40 tablets of Buprenorphine-Naloxone 8-2 mg
- 15 • 17 tablets Buprenorphine 8 mg
- 16 • 99 tablets Clonazepam .5 mg

17 18. On or about April 3, 2018, the Danville Police and Contra Costa Sheriff's Department
18 identified Respondent as the perpetrator of the armed robbery, obtained a warrant for his arrest,
19 and set up surveillance of Respondent's home. Respondent was pulled over as he drove toward
20 his home and placed under arrest. A search of Respondent's car turned up a 9mm semi-automatic
21 handgun under the passenger seat, and Respondent's wallet contained a bindle of white powdery
22 substance (later identified as Buprenorphine) and a cut plastic straw.

23 19. On or about June 6, 2018, a Board inspector interviewed Respondent about the
24 robbery and his subsequent arrest. Respondent falsely told the inspector that the police did not
25 seize anything from his car or person. Respondent also submitted to the inspector a declaration,
26 signed under penalty of perjury, stating that he was "completely innocent" of committing robbery.

27 20. Police subsequently determined that Respondent was responsible for the July 12,
28 2017 armed robbery of a Walgreens Pharmacy in San Ramon, California. Here, too, Respondent

1 disguised himself with a surgical mask and multiple layers of clothing, and approached the
2 pharmacy just as it was opening at 8:00 a.m. Respondent placed a handgun on the pharmacy
3 counter along with a note reading, "Get a white paper bag and put all the Buprenorphine in it and
4 you can call the police in 15 minutes after I leave," or words to that effect. An employee obtained
5 the following medications and gave them to Respondent, after which Respondent retrieved the
6 gun and note and exited the store.

- 7 • 50 tablets of Buprenorphine 2 mg
- 8 • 71 tablets of Buprenorphine 8 mg

9 21. Based on the facts described in paragraphs 17 and 20 above, on or about June 13,
10 2022, in *People v. Szkotak*, Superior Court of Alameda County Case No. 01-187866-9,
11 Respondent was convicted of two counts of second degree robbery (Pen. Code, § 211.)
12 Respondent was sentenced to one year in county jail, two years of formal probation, and two
13 years in state prison, suspended.

14 **FIRST CAUSE FOR DISCIPLINE**

15 (Conviction of Substantially Related Offense)

16 22. Respondent is subject to discipline under Code sections 490 and 4301, subdivision (l)
17 in that Respondent, as described in paragraphs 17-21 above, was convicted of an offense
18 substantially related to the qualifications, functions, and duties of a licensed pharmacist.

19 **SECOND CAUSE FOR DISCIPLINE**

20 (Possession of Narcotic Drug Without Prescription)

21 23. Respondent is subject to discipline under Code section 4301, subdivision (j) by
22 reference to Code section 4060, in that Respondent, as described in paragraphs 17-21 above,
23 possessed a Schedule V narcotic drug without a valid prescription.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Administration of Controlled Substance/Use of Dangerous Drug)

26 24. Respondent is subject to discipline under Code section 4301, subdivision (h) in that
27 Respondent, as described in paragraphs 17-21 above, self-administered controlled substances and
28 dangerous drugs in a manner injurious to himself, another person, and/or the public.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Unlawful Possession of Controlled Substance/Dangerous Drug)

3 25. Respondent is subject to discipline under Code section 4301, subdivision (j) by
4 reference to Health and Safety Code section 11350, subdivision (a), in that Respondent, as
5 described in paragraphs 17-21 above, unlawfully possessed a controlled substance and dangerous
6 drug.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

9 26. Respondent is subject to discipline under Code section 4301, subdivision (f) in that
10 Respondent, as described in paragraphs 17-21 above, committed acts involving moral turpitude,
11 dishonesty, fraud, deceit, or corruption.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct)

14 27. Respondent is subject to discipline under Code section 4301 in that Respondent, as
15 described in paragraphs 17-21 above, committed unprofessional conduct.

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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 or suspending Pharmacist License Number RPH 66330, issued to Jonathan L. Szkotak;
2. Ordering Jonathan L. Szkotak 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: 10/26/2022

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2022.10.26 21:08:10 -07'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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