

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

In the Matter of the Accusation Against:

JAMES AARON HEARN,

Designated Representative License No. EXC 21499,

Respondent

Agency Case No. 6717

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 November 4, 2020.

It is so ORDERED on October 5, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 CARL W. SONNE
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3512
6 Facsimile: (415) 703-5480
E-mail: Joshua.Room@doj.ca.gov
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 Accusation Against:

Case No. 6717

13 **JAMES AARON HEARN**
CDCR Number BK4757C
14 c/o Correctional Training Facility (CTF)
P. O. Box 686
15 Soledad, CA 93960

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 **Designated Representative License No.**
EXC21499

17 Respondent.
18

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by Joshua A. Room, Supervising
26 Deputy Attorney General.

27 2. James Aaron Hearn (Respondent) is representing himself in this proceeding and has
28 chosen not to exercise his right to be represented by counsel.

1 CONTINGENCY

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

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

14 12. This Stipulated Surrender of License and Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

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

22 ORDER

23 IT IS HEREBY ORDERED that Designated Representative License No. EXC21499, issued
24 to Respondent James Aaron Hearn, is surrendered and accepted by the Board.

25 1. Respondent shall lose all rights and privileges as a Designated Representative License
26 in California as of the effective date of the Board's Decision and Order.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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,
XAVIER BECERRA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General

JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

SF2020200517
42258642.docx

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

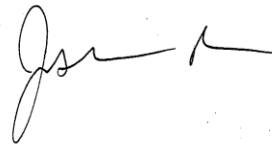
ENDORSEMENT

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: August 6, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General



JOSHUA A. ROOM
Supervising Deputy Attorney General
Attorneys for Complainant

SF2020200517
42258642.docx

Exhibit A

Accusation No. 6717

1 XAVIER BECERRA
Attorney General of California
2 CARL W. SONNE
Senior Assistant Attorney General
3 JOSHUA A. ROOM
Supervising Deputy Attorney General
4 State Bar No. 214663
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3512
6 Facsimile: (415) 703-5480
E-mail: Joshua.Room@doj.ca.gov
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 Accusation Against:

Case No. 6717

13 **JAMES AARON HEARN**
2575 Alliance Road, Apt. 3A
14 Arcata, CA 95521

ACCUSATION

15 **Designated Representative License No.**
16 **EXC21499**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about October 14, 2011, the Board of Pharmacy issued Designated
23 Representative License Number EXC21499 to James Aaron Hearn (Respondent). The
24 Designated Representative License expired on October 1, 2019, and has not been renewed.

25 ///

26 ///

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Section 4011 of the Code provides that the Board shall administer and enforce both
6 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
7 Act [Health & Safety Code, § 11000 et seq.].

8 5. Section 4300 of the Code states, in relevant part:

9 "(a) Every license issued may be suspended or revoked.

10 ...”

11 6. Section 4300.1 of the Code states:

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

17 **STATUTORY PROVISIONS**

18 7. Section 490 of the Code states:

19 “(a) In addition to any other action that a board is permitted to take against a licensee, a
20 board may suspend or revoke a license on the ground that the licensee has been convicted of a
21 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
22 or profession for which the license was issued.

23 8. Section 493 of the Code states:

24 “Notwithstanding any other provision of law, in a proceeding conducted by a board within
25 the department pursuant to law to deny an application for a license or to suspend or revoke a
26 license or otherwise take disciplinary action against a person who holds a license, upon the
27 ground that the applicant or the licensee has been convicted of a crime substantially related to the
28 qualifications, functions, and duties of the licensee in question, the record of conviction of the

1 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,
2 and the board may inquire into the circumstances surrounding the commission of the crime in
3 order to fix the degree of discipline or to determine if the conviction is substantially related to the
4 qualifications, functions, and duties of the licensee in question.”

5 9. Section 4301 of the Code states, in pertinent part:

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

9 “. . .

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

27 “. . .”

28 ///

1 **REGULATORY PROVISIONS**

2 10. California Code of Regulations, title 16, section 1770, states:

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

9 **COST RECOVERY**

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

16 **CAUSE FOR DISCIPLINE**

17 **(Conviction of Substantially Related Crime(s))**

18 12. Respondent has subjected his Designated Representative License to disciplinary
19 action under Code 490, 493, and 4301, subdivision (l), in that, on or about August 28, 2019, in a
20 criminal matter titled *The People of the State of California v. James Aaron Hearn, Jr.*, Humboldt
21 County Superior Court Case No. CR1901361, Respondent pled guilty to, and was convicted of,
22 three counts of Lewd Act Upon A Child (Pen. Code, 288(a)), all felonies. The first offense
23 occurred on or about July 15, 2012 through December 31, 2017. The second offense occurred on
24 or about March 15, 2019 and the third offense occurred on or about September 1, 2009 through
25 December 31, 2018. On or about September 26, 2019, Respondent was sentenced to a stipulated
26 term of a total of 12 years in prison (233 days credit), was required to register as a sex offender,
27 and was required to comply with all legal and medical testing requirements, restitutions and fines.

28 ///

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 Designated Representative Number EXC21499, issued to James Aaron Hearn;
- 2. Ordering James Aaron Hearn 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: March 26, 2020



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

SF2020200517
21844853.docx