

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

In the Matter of the Statement of Issues  
Against:

JAMES DONALD JACKMAN,

Pharmacy Technician Registration Applicant

Respondent.

Case No. 6523

OAH No. 2019010212

**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge 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 July 2, 2019.

It is so ORDERED on June 3, 2019.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Victor Law, R.Ph.  
Board President

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**PROPOSED DECISION**

Matthew Goldsby, Administrative Law Judge with the Office of Administrative Hearings, heard this matter on April 3, 2019, in Los Angeles, California.

Stephanie J. Lee, Deputy Attorney General, appeared and represented complainant Virginia Herold, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board).

Respondent James Donald Jackman appeared and represented himself.<sup>1</sup>

The parties submitted the matter for decision at the conclusion of the hearing on April 3, 2019.

**FACTUAL FINDINGS**

*Jurisdictional and Background Facts*

1. On February 8, 2018, respondent filed an application with the Board for a license to act as a pharmacy technician. On July 12, 2018, the Board denied the application.

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<sup>1</sup> Respondent made an oral motion for a continuance to retain counsel. Complainant's objection to the motion was sustained because the motion was untimely pursuant to Government Code section 11524, subdivision (b), and the demands of due process do not encompass the right to assistance of counsel in administrative disciplinary proceedings. (*Walker v. State Bar* (1989) 49 Cal.3d 1107, 1116.)

2. On December 16, 2018, complainant brought the Statement of Issues in her official capacity as Executive Officer of the Board. Respondent submitted a timely request for a hearing.

*The 2013 DUI Conviction*

3. On August 22, 2013, respondent entered a plea of guilty and was convicted of driving while having 0.08 percent or more of alcohol in his blood in violation of Vehicle Code section 23152, subdivision (b), a misdemeanor. (*People v. Jackman* (Sup. Ct. San Bernardino County, 2013, No. TVA1301408) (2013 DUI Conviction).) The court withheld pronouncement of judgment, granted a revocable release for 36 months, and ordered respondent to complete a nine-month county approved alcohol program, to submit to drug and alcohol testing upon request, to serve 79 days in the county jail with credit for two days of time served, to obey the law, and to comply with other terms and conditions.

4. The 2013 DUI Conviction arose from an arrest made after respondent celebrated with a visiting friend. On June 2, 2013, at 3:09 a.m., police officers observed respondent pass their patrol car driving over 100 miles per hour and crossing lanes multiple times. The officers initiated an enforcement stop and attempted to interrogate respondent, who was nonresponsive and uncooperative. After taking respondent by the arm and assisting him out of his vehicle, “it became apparent [to the officers] that [respondent] was unable to stand on his own.” (Ex. 4, p. 062.) The officers arrested respondent and took a blood sample for testing upon booking him into custody. Results of the blood test revealed a 0.25 percent blood alcohol content at the time of his arrest. (Ex. 4, p. 073.)

5. Respondent completed the terms of his revocable release. He has not filed a motion to dismiss the 2013 DUI Conviction pursuant to Penal Code section 1203.4.

*The 2005 Misappropriation Conviction*

6. On May 15, 2005, respondent entered a plea of nolo contendere and was convicted of possessing stolen property in violation of Penal Code section 496, subdivision (a), a misdemeanor. (*People v. Jackman* (Sup. Ct. Los Angeles County, 2005, No. 5PA46348) (2005 Misappropriation Conviction).) The court suspended imposition of sentence, placed respondent on summary probation for a period of two years, and ordered him to perform 20 days of CalTrans labor, to obey all laws and orders of the court, and to pay fines and restitution totaling \$140.

7. The 2005 Misappropriation Conviction arose from an incident on April 13, 2005. A police officer observed that respondent’s vehicle registration was expired and made a traffic stop. During the traffic stop, respondent admitted “he had a couple of drinks” and permitted a vehicle search. In the vehicle trunk, the officer found a bank parking sign and two “No-Trespassing signs.” (Ex. 6, p. 083.) Respondent admitted to the officer “the signs were probably stolen,” but he denied stealing them.

8. Respondent completed all terms and conditions of probation. On January 29, 2015, the court dismissed the 2005 Misappropriation Conviction pursuant to Penal Code section 1203.4.

*Prior Denial of Application*

9. On March 24, 2014, respondent filed an application with the Board for a license to act as a pharmacy technician. On December 19, 2014, the Board denied the application.

10. Complainant filed a Statement of Issues concerning the denial of the 2014 application, and respondent filed a timely request for a hearing. The issues were heard by an administrative law judge on December 9, 2015, during which “evidence was received and argument was heard.” (Ex. 7, p. 092.)

11. The Board denied respondent’s prior application by its decision effective March 10, 2016, finding cause to deny the application on the following grounds: (a) that respondent’s 2013 DUI Conviction was substantially related to the qualifications, functions, and duties of a registered pharmacy technician; (b) that respondent’s 2005 Misappropriation Conviction evidenced acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself; and (c) that respondent committed acts which, if done by a licensee, would be grounds for suspension or revocation of the license. The Board concluded:

Considering [the factors [in] California Code of Regulations, title 16, section 1769, subdivision (c)], Respondent has developed facts suggesting that he is in the process of becoming sufficiently rehabilitated and may well prove to be an appropriate future candidate for licensure. At this time, however, he remains on criminal probation for his DUI conviction. Although he is meeting the terms and conditions, those on probation have an incentive to obey the law, so little weight can be placed on compliance. *In re Gossage (2000) 23 Cal.4th 1080, 1099*. Despite Respondent’s sincere belief that he is not an alcoholic, his rehabilitation to date has not afforded him any substantial insight into his many years of prior alcohol abuse. As a result, Respondent cannot be licensed at this time without creating an undue risk to the public. More time is needed to determine whether he will continue on the path toward rehabilitation and better understand his history of impairment.

(Ex. 7, p. 098.)

### *Disclosures on Application*

12. To apply for the subject license, respondent completed and signed a Pharmacy Technician Application on February 3, 2018. At section eight of the application, respondent was asked if he had ever been convicted of any crime in any state and, if so, to disclose details of each conviction including the arrest date, the conviction date, a description of the violations, the case number, and the court of jurisdiction.

13. The application warned, “The failure to disclose a disciplinary action or conviction may result in the license being denied or revoked for falsifying the application.” (Ex. 2, p. 039.)

14. The application gave the following instruction: “You must disclose a conviction even if it was . . . later dismissed or expunged pursuant to Penal Code section 1203.4.” (Ex. 2, p. 039.)

15. Respondent answered section eight affirmatively, and furnished the requested data concerning his 2013 DUI Conviction. However, he did not insert any data on the application relating to the 2005 Misappropriation Conviction.

16. At the hearing, respondent testified that he failed to disclose the 2005 Misappropriation Conviction by mistake and inadvertence, but that he “wasn’t trying to lie or be dishonest,” having disclosed both convictions on his 2014 application and presenting evidence to the Board of both convictions at a prior hearing. In determining the credibility of a witness, the administrative law judge may consider any matter that has any tendency in reason to prove or disprove the truthfulness of the witness’s testimony at the hearing. (Evid. Code, § 780.) Although respondent characterized the omission as a mistake, the weight of the evidence tends to show that he deliberately withheld the material information to avoid the delays and hassles he encountered after making the disclosure on his prior application.

### *Other Considerations*

17. Michael Boluro-Ajayi, a Board Inspector for the past five years and a licensed pharmacist since 2011, testified credibly on behalf of the Board that pharmacy technicians are charged with the responsibility of dispensing dangerous drugs and controlled substances, that they have direct access to confidential patient information, that a pharmacist-in-charge cannot possibly keep a constant eye on a pharmacy technician during the course of employment, and that trust and good judgment are essential attributes of a pharmacy technician.

18. Inspector Boluro-Ajayi further testified that respondent’s criminal record gives rise to concerns that respondent may repeat the occurrences of poor judgment and alcohol abuse, and that any such repeated conduct would pose a substantial risk of harm to the public.

### *Mitigation and Rehabilitation*

19. Respondent testified that he has not consumed alcohol in over six years and that he does not believe he was ever addicted to alcohol. His testimony was supported by the testimony of his mother who testified that respondent “is not a perpetual drunk,” and that she did not allow alcohol in the house during periods when respondent lived with her while he was an adult.

20. There is no evidence of alcohol abuse in almost six years since his 2013 DUI Conviction. There is no evidence of any recurrence of the misconduct giving rise to the 2005 Misappropriation Conviction in the 14 years that have elapsed since the conviction.

21. Respondent is currently employed, working as a sales associate for Home Depot. His supervisor wrote a character reference letter, describing respondent as “a strong worker” who is reliable, flexible, and punctual. No evidence was presented to show that respondent has been subject to any employment discipline, including discipline relating to alcohol dependence or misappropriation of merchandise.

22. Respondent is not married, but has a long-term domestic relationship with his girlfriend. Respondent no longer associates with the friends with whom he engaged in social drinking. Respondent’s mother recently had back surgery which caused him to “reevaluate [his] goals in life.” (Ex. A.)

### LEGAL CONCLUSIONS

1. The burden is on respondent to prove by a preponderance of the evidence that he is entitled to licensure. (*Lindsay v. San Diego Retirement Bd.* (1964) 231 Cal.App.2d 156; Evid. Code, § 115.)

2. The Board may deny a license on the grounds that the applicant has been convicted of a crime. (Bus. & Prof. Code, § 480, subd. (a)(1).)

3. The Board may deny a license if (A) the applicant has done any act that would be grounds for discipline if done by a licensee and (B) the act is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made. (Bus. & Prof. Code, § 480, subd. (a)(3).)

4. The Board may deny an application for a license on the ground that the applicant knowingly made a false statement of fact required to be revealed in the application for the license. (Bus. & Prof. Code, § 480, subd. (d).)

5. The Board must take action against any licensee who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. (Bus. & Prof. Code § 4301, subd. (a).) Unprofessional conduct includes,

but is not limited to, actions or conduct that would have warranted denial of a license. (Bus. & Prof. Code § 4301, subd. (p).)

6. A license shall not be denied on the grounds of a lack of good moral character or any similar ground relating to an applicant's character, reputation, personality, or habits. (Bus. & Prof. Code, § 475, subd. (c).)

7. In this case, respondent's alcohol abuse was substantial in that he had over three times the legal limit of alcohol in his blood on the night of his arrest, and was intoxicated to the point of being unable to stand on his own. By driving over 100 miles per hour in such a condition, respondent exposed himself and the general public to substantial risk of injury or death. Such alcohol abuse evidences a potential unfitness to perform as a pharmacy technician. (Cal. Code Regs., tit.16, § 1770.) Accordingly, respondent's 2013 DUI Conviction was a crime substantially related to the qualifications, functions and duties of a licensed pharmacy technician.

8. Although the 2005 Misappropriation Conviction was 14 years ago and the signs presumably had negligible value, taking possession of stolen property involved dishonesty and deceit. Because truth and good judgment are essential attributes of a pharmacy technician, taking possession of stolen property evidences a potential unfitness to perform as a pharmacy technician. (Cal. Code Regs., tit.16, § 1770.) Accordingly, the 2005 Misappropriation Conviction was substantially related to the qualifications, functions, and duties of a licensed pharmacy technician.

9. Respondent knew of and yet failed to disclose the 2005 Misappropriation Conviction on his application in spite of clear and unequivocal instructions and warnings of the consequence of failing to make full disclosure.

10. Cause exists to deny respondent's license application under Business and Professions Code section 480, subdivision (a)(1), because he was convicted of crimes substantially related to the practice of a pharmacy technician. (Factual Findings 3-8.)

11. Cause exists to deny respondent's license application under Business and Professions Code section 480, subdivision (a)(2), because respondent committed acts involving dishonesty or deceit. (Factual Findings 6-8.)

12. Cause exists to deny respondent's license application under Business and Professions Code section 480, subdivision (d), because he knowingly made a false statement of fact required to be revealed in the application for the license. (Factual Findings 12-15.)

13. Cause exists to deny respondent's license application under Business and Professions Code sections 480, subdivision (a)(3), and 4301, subdivision (p), because respondent engaged in unprofessional conduct that would warrant discipline of a licentiate. (Factual Findings 3-8.)

14. When considering the denial of a license under Business and Professions Code section 480, the Board must consider the following criteria in evaluating the rehabilitation of an applicant and his or her present eligibility for a license: (1) The nature and severity of the acts or offenses under consideration as grounds for denial; (2) evidence of any acts committed subsequent to the acts or crimes under consideration; (3) the time that has elapsed since commission of the acts or offenses; (4) whether the applicant has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant; and (5) evidence, if any, of rehabilitation submitted by the applicant. (Cal. Code Regs., tit. 16, § 1769, subd. (b).)

15. In this case, the nature of respondent's acts was criminal, dangerous, and dishonest. To his credit, respondent's current employer attested to respondent's character and work ethic, and substantial time has elapsed since his criminal conduct with no evidence of a recurrence. Courts have found that "the evidentiary significance of . . . misconduct is greatly diminished by the passage of time and by the absence of similar, more recent misconduct." (*Kwasnik v. State Bar* (1990) 50 Cal.3d 1061, 1070.)

16. Nonetheless, the diminished risk of a recurrence of respondent's past criminal conduct is overshadowed by his more recent act of deceit by deliberately withholding material information from his application. Honesty and truthfulness are qualities that bear on one's fitness and qualification to be a licensee. (*Golde v. Fox* (1979) 98 Cal.App.3d 167.) The application respondent signed advised him that the failure to disclose required information could result in the denial of his application. Because a pharmacy technician is responsible for dispensing dangerous drugs and controlled substances, and is entrusted with financial, personal, and confidential information about clients, the evidence of dishonest and deceptive behavior to achieve a goal negates all other evidence of rehabilitation and mitigation.

17. Respondent has failed to establish by a preponderance of the evidence that he is entitled to a license. The denial of this application is warranted in the interest of public health and safety.

#### ORDER

The application of James Donald Jackman for a pharmacy technician license is denied.

DATED: April 30, 2019

DocuSigned by:  
*Matthew Goldsby*  
MATTHEW GOLDSBY  
Administrative Law Judge  
Office of Administrative Hearings



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7 *Attorneys for Complainant*

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

12  
13 In the Matter of the Statement of Issues  
Against:  
14 **JAMES DONALD JACKMAN**  
15 Pharmacy Technician Registration Applicant  
16 Respondent.

Case No. 6523

**STATEMENT OF ISSUES**

17  
18  
19  
20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about February 8, 2018, the Board received an application for a Pharmacy  
26 Technician Registration from James Donald Jackman (Respondent). On or about February 3,  
27 2018, Respondent certified under penalty of perjury to the truthfulness of all statements, answers,  
28 and representations in the application. The Board denied the application on July 12, 2018.



1 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
2 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
3 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
4 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
5 Section 482.

6 “(c) Notwithstanding any other provisions of this code, a person shall not be denied a  
7 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
8 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
9 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
10 of the dismissal.

11 “(d) A board may deny a license regulated by this code on the ground that the applicant  
12 knowingly made a false statement of fact that is required to be revealed in the application for the  
13 license.”

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

17 7. Section 4301 states, in pertinent part:

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

21 . . . .

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

25 . . . .

26 “(h) The administering to oneself, of any controlled substance, or the use of any dangerous  
27 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to  
28 oneself, to a person holding a license under this chapter, or to any other person or to the public, or

1 to the extent that the use impairs the ability of the person to conduct with safety to the public the  
2 practice authorized by the license.

3 . . . .

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

21 . . . .

22 “(p) Actions or conduct that would have warranted denial of a license.”

### 23 REGULATORY PROVISIONS

24 8. California Code of Regulations, title 16, section 1770, states:

25 “For the purpose of denial, suspension, or revocation of a personal or facility license  
26 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
27 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
28 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a

1 licensee or registrant to perform the functions authorized by his license or registration in a manner  
2 consistent with the public health, safety, or welfare.”

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 **(Convictions of Substantially Related Crimes)**

5 9. Respondent's application is subject to denial under section 480, subdivision (a)(1), in  
6 conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was  
7 convicted of crimes substantially related to the qualifications, functions or duties of a registered  
8 pharmacy technician, as follows:

9 a. On or about August 22, 2013, after pleading guilty, Respondent was convicted of one  
10 misdemeanor count of violating Vehicle Code section 23152, subdivision (b) [driving while  
11 having 0.08% or more, by weight, of alcohol in his blood] in the criminal proceeding entitled *The*  
12 *People of the State of California v. James Donald Jackman* (Super. Ct. San Bernardino County,  
13 2013, No. TVA1301408.) The court sentenced Respondent to serve 79 days in jail, ordered him  
14 to attend a 9-month alcohol program, and placed him on 36 months' probation, with terms and  
15 conditions. The circumstances surrounding the conviction are that on or about June 2, 2013, the  
16 California Highway Patrol Department initiated a traffic enforcement stop after observing  
17 Respondent's vehicle traveling at a high rate of speed. The officer approached Respondent's  
18 vehicle on the passenger side and knocked on the window but Respondent ignored the knock and  
19 kept looking straight ahead. The officer then opened the passenger's side door and immediately  
20 smelled a strong odor of an alcoholic beverage emitting from within the vehicle. Respondent  
21 failed to turn off his car, as directed by the police officer. The officer removed the keys from the  
22 ignition and helped Respondent exit the vehicle. During the booking procedure, Respondent  
23 submitted to a blood test that revealed a blood-alcohol content level of 0.25%.

24 b. On or about May 18, 2005, after pleading nolo contendere, Respondent was convicted  
25 of one misdemeanor count of violating Penal Code 485 [misappropriation of lost property] in the  
26 criminal proceeding entitled *The People of the State of California v. James Donald Jackman*  
27 (Super. Ct. L.A. County, 2005, No. 5PA46348). The court ordered Respondent to complete 20  
28 days of Caltrans work and placed him on two years' probation, with terms and conditions. On or

1 about January 29, 2015, the Court dismissed the matter pursuant to Penal Code section 1203.4.  
2 The circumstances surrounding the conviction are that on or about April 13, 2005, an Arcadia  
3 police officer conducted a traffic enforcement stop on Respondent's vehicle. During a search of  
4 Respondent's vehicle, the officer found three business signs in Respondent's trunk: one blue  
5 Washington Mutual bank parking sign and two no-trespassing signs belonging to an office  
6 building in Monrovia. Respondent was asked if he was aware that the three signs were probably  
7 stolen. Respondent agreed that the signs were probably stolen but indicated that he did not steal  
8 them.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

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

11 10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in  
12 that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to  
13 substantially benefit himself, or substantially injure another. Complainant refers to, and by this  
14 reference incorporates, the allegations set forth above in paragraph 9, subparagraph (b), as though  
15 set forth fully.

16 **THIRD CAUSE FOR DENIAL OF APPLICATION**

17 **(Knowingly Made a False Statement of Fact)**

18 11. Respondent's application is subject to denial under section 480, subdivision (d), in  
19 that on or about February 3, 2018, Respondent knowingly made a false statement of fact required  
20 to be revealed in his application when he failed to disclose his 2005 conviction. Complainant  
21 refers to, and by this reference incorporates, the allegations set forth in paragraph 9, as though set  
22 forth fully.

23 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

24 **(Acts Warranting Denial of Licensure)**

25 12. Respondent's application is subject to denial under sections 4301, subdivision (p) and  
26 480, subdivisions (a)(3)A) and (a)(3)(B), in that Respondent committed acts which if done by a  
27 registered pharmacy technician, would be grounds for suspension or revocation of his license as  
28 follows:

1 a. Respondent was convicted of crimes substantially related to the qualifications,  
2 functions, or duties of a pharmacy technician which to a substantial degree evidence his present  
3 or potential unfitness to perform the functions authorized by the license in a manner consistent  
4 with the public health, safety, or welfare, in violation of sections 4301, subdivision (l) and 490, in  
5 conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,  
6 and by this reference incorporates, the allegations set forth above in paragraph 9, as though set  
7 forth fully.

8 b. Respondent committed acts involving dishonesty, fraud, or deceit, in violation of  
9 section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the  
10 allegations set forth above in paragraph 9, subparagraph (b), as though set forth fully.

11 c. Respondent used alcoholic beverages to an extent or in a manner dangerous or  
12 injurious to himself, another person, or the public, in violation of section 4301, subdivision (h).  
13 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
14 paragraph 9, subparagraph (a), as though set forth fully.

15 **PRAYER**

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

- 18 1. Denying the application of James Donald Jackman for a Pharmacy Technician  
19 Registration; and  
20 2. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 12/6/18



23 VIRGINIA HEROLD  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 *Complainant*

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