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

10  
11 In the Matter of the Statement of Issues  
Against:

Case No. 6678

12 **JONATHAN LEE**

**STATEMENT OF ISSUES**

13 **Intern Pharmacist License Applicant**

14 Respondent.  
15

16  
17 **PARTIES**

18 1. Anne Sodergren (“Complainant”) brings this Statement of Issues solely in her official  
19 capacity as the Interim Executive Officer of the Board of Pharmacy (“Board”), Department of  
20 Consumer Affairs.

21 2. On or about October 22, 2018, the Board received an application for licensure as an  
22 Intern Pharmacist from Jonathan Lee (“Respondent”). On or about August 22, 2018, Jonathan  
23 Lee certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application.

25 **JURISDICTION**

26 3. Pursuant to Business and Professions Code (“Code”) 485, subdivision (b), on or about  
27 February 22, 2019, Respondent’s application was denied and he was notified of the right to a  
28 hearing to appeal the denial.

1 4. On or about March 1, 2019, the Board received Respondent's request for a hearing to  
2 appeal the denial of his application.

3 **STATUTORY PROVISIONS**

4 5. Code section 480 states, in pertinent part:

5 (a) A board may deny a license regulated by this code on the grounds that the  
6 applicant has one of the following:

7 . . . .

8 (2) Done any act involving dishonesty, fraud, or deceit with the intent to  
substantially benefit himself or herself or another, or substantially injure another.

9 (3) (A) Done any act that if done by a licentiate of the business or profession  
10 in question, would be grounds for suspension or revocation of license.

11 (B) The board may deny a license pursuant to this subdivision only if the crime  
or act is substantially related to the qualifications, functions, or duties of the business  
or profession for which application is made.

12 . . . .

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

16 6. Code section 4301 states, in pertinent part:

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

19 . . . .

20 (f) The commission of any act involving moral turpitude, dishonesty, fraud,  
21 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.

22 . . . .

23 (p) Actions or conduct that would have warranted denial of a license.

24 **BACKGROUND INFORMATION**

25 7. At all times relevant to the charges brought herein, Respondent was employed and on  
26 duty as a server with his parent's restaurant ABC Hawaiian BBQ located in Monrovia, California.

27 8. On or about December 15, 2013, Respondent, while employed and on duty as a server  
28 at a restaurant, used the unisex, single occupancy restroom when he heard a woman customer

1 (“victim 2”) and her two (2) year old daughter (“victim 1”) trying to enter the restroom.  
2 Respondent placed his camera phone in the corner of the bathroom floor with the camera facing  
3 the toilet knowing victim 1 and 2 were in need of using the restroom. Upon exiting the restroom,  
4 Respondent approached victim 1 and 2 to inform victim 2 that the bathroom was available.  
5 Victim 2 noticed the camera phone near the toilet and brought it to her mother’s attention.  
6 Victim 2 noticed the phone’s suspicious location and the fact that it was recording. Victim 2 left  
7 the restaurant and took the phone to Monrovia Police Department (“MPD”) to report the  
8 recording. Officers went to the restaurant to speak with Respondent, who provided a statement.  
9 Respondent initially told the officer that he placed his cell phone in the bathroom because there  
10 was an over usage of toilet cover slips and toilet paper, but later admitted that he “wanted to take  
11 video of the little girl peeing.” Respondent’s father, who also worked at the restaurant, confirmed  
12 there was no over usage.

13 9. On or about February 11, 2014, in the case of The People of the State of California v.  
14 Jonathan Kun Lee, Los Angeles County Superior Court case no. 4PS20266, the Respondent was  
15 charged with a violation of Penal Code section 647(j)(3), Use of a Concealed Camera to Secretly  
16 Record a Person who may be in a State of Full or Partial Undress for the Purpose of Viewing the  
17 Body of that Person Without Their Consent With the Intent to Invade the Privacy of that Person.

18 10. On or about May 9, 2014, Respondent was convicted by his plea of No Contest of a  
19 misdemeanor violation of Penal Code section 647(j)(3). The Respondent was placed on 3 years  
20 probation, and ordered to stay away from the 2-year-old victim and her mother, and to attend 13  
21 sexual compulsive anonymous meetings.

22 11. On or about August 22, 2018, Respondent submitted his application for licensure as  
23 an Intern Pharmacist with a written explanation regarding the conviction he disclosed. In the  
24 written explanation, Respondent alleged that customers had been vandalizing the restroom,  
25 throwing toilet paper/paper towels everywhere and that he decided to take matters in his own  
26 hands by setting up the camera phone in the restroom, contradicting not only the evidence, but  
27 Respondent’s own statements and admission recorded in the arrest report. Further, Respondent  
28 falsely stated in his written explanation that he was charged with disorderly conduct.

1 **FIRST CAUSE FOR DENIAL**

2 **(False Statement of Fact Made in Application for Licensure)**

3 12. Respondent's application is subject to denial under Code section 480, subdivision (e),  
4 in that Respondent made false statements of facts required to be revealed in the application for the  
5 license, as more particularly set forth above in paragraph 9.

6 **SECOND CAUSE FOR DENIAL**

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

8 13. Respondent's application is subject to denial under Code section 480,  
9 subdivision (a)(2), in that on or about August 22, 2018, Respondent committed dishonest acts,  
10 fraud, or deceit with the intent to substantially benefit himself, or substantially injure another, as  
11 follows:

12 a. Respondent lied in his statement to Monrovia Police Department as to the  
13 reason he placed the camera phone in the bathroom, as more particularly set forth above in  
14 paragraph 8.

15 b. Respondent's explanation of the incident disclosed in his explanatory letter to  
16 the Board was contradictory to Respondent's admissions in his statement in his arrest report, as  
17 more particularly set forth above in paragraphs 8 and 11.

18 **THIRD CAUSE FOR DENIAL**

19 **(Committed Acts Which If Done by a Licentiate)**

20 14. Respondent's application is subject to denial under Code section 480,  
21 subdivision (a)(3)(A) and (a)(3)(B), in that Respondent committed acts which if done by a  
22 licentiate of the business and profession in question would be grounds for discipline, as follows:

23 a. Respondent committed acts involving moral turpitude, dishonesty, fraud,  
24 deceit, or corruption, in violation of Code section 4301, subdivision (f), as more particularly set  
25 forth above in paragraph 13, subparagraphs (a) and (b).

26 b. Respondent committed acts, which would be grounds for denial of an  
27 application for a license, in violation of Code section 4301, subdivision (p), as more particularly,  
28 set forth above in paragraph 13, subparagraphs (a) and (b).

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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 issue a decision:

1. Denying the application of Jonathan Lee for a Intern Pharmacist; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: August 2, 2019



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

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