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

11 **In the Matter of the Accusation Against,**

Case No.: 3361

12 **JOANNA RENEE HOLLOWAY**
13 **AKA JOANNA RENEE GRANADOS**
3745 Churn Creek, Road #1
14 Redding, CA 96002

A C C U S A T I O N

15 **Pharmacy Technician**
16 **License No. TCH 39797**

Respondent.

18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (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 January 28, 2002, the Board of Pharmacy issued Pharmacy Technician
23 License Number TCH 39797 to Joanna Renee Holloway (Respondent). The Pharmacy
24 Technician License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on August 31, 2009, unless renewed.

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JURISDICTION

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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 unless otherwise indicated.

5 4. Section 4300 of the Code states, in pertinent part:

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

7 (b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

12 (3) Suspending his or her right to practice for a period not exceeding one year.

13 (4) Revoking his or her license.

14 (5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 (c) The board may refuse a license to any applicant guilty of unprofessional conduct.

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

19 The board shall take action against any holder of a license who is guilty of unprofessional
20 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

21 Unprofessional conduct shall include, but is not limited to, any of the following:

22
23 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or

24 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
25 whether the act is a felony or misdemeanor or not.

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27 (j) The violation of any of the statutes of this state, or any other state, or of the United

28 States regulating controlled substances and dangerous drugs.

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

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

20 6. Section 118, subdivision (b), of the Code provides that the expiration of a license
21 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
22 within which the license may be renewed, restored, reissued or reinstated.

23 7. Section 125.3 of the Code states, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Convictions)**

3 8. Respondent is subject to disciplinary action under section 4301, subdivision (l), in
4 that Respondent was convicted of crimes which are substantially related to the qualifications,
5 functions, and duties of a licensed pharmacy technician, as follows:

6 9. On or about November 9, 2007, Respondent was convicted on one count of violating
7 Penal Code section 148.9 (false identification to a peace officer) and one count of violating
8 Health and Safety Code section 11377(a)(possession of a controlled substance) in *People v.*
9 *Joanna Renee Granados*¹ (Super. Ct. Shasta County, 2007, No. 07F1838).

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Violation of Statute Regulating Controlled Substances)**

12 10. Respondent is subject to disciplinary action under section 4301, subdivision (j), in
13 that she violated the statutes of this state regulating controlled substances and dangerous drugs.
14 The circumstances are stated above in paragraph 9.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Acts Involving Moral Turpitude and Dishonesty)**

17 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
18 that she committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The
19 circumstances are stated above in paragraph 9.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Acts Warranting Denial of a License)**

22 12. Respondent is subject to disciplinary action under section 4301, subdivision (p), in
23 that she committed acts that would warrant denial of a license. The circumstances are stated
24 above in paragraph 9.

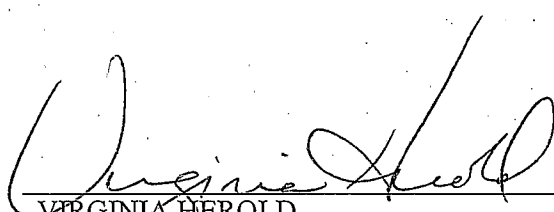
25 _____
26 ¹ During the arrest, Respondent eventually admitted that her true name was Joanna Marie
27 Granados, formerly Holloway.
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PRAYER

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 Pharmacy Technician License Number TCH 39797, issued to Joanna Renee Holloway Joanna Renee Holloway.
2. Ordering Joanna Renee Holloway 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/8/09



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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