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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke Probation Case No. 3838
11 Against:

12 **DANNA MICHELLE SILVA**
13 **1502 Mt. Diablo Avenue**
Milpitas, CA 95035

PETITION TO REVOKE PROBATION

14 **Pharmacy Technician License No. TCH 8898**

15 Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
19 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs.

20 2. On or about August 13, 1993, the Board of Pharmacy issued Pharmacy Technician
21 License Number TCH 8898 to Danna Michelle Silva (Respondent). The Pharmacy Technician
22 License expired on or about January 31, 2005 without renewal, and remained delinquent until on
23 or about January 12, 2010, when it was renewed. The License remains current and active and
24 will expire on January 31, 2011, unless renewed.

25 3. In a disciplinary action titled "In the Matter of Accusation Against Danna Michelle
26 Silva," Case No. 2577, the Board of Pharmacy issued a decision effective May 2, 2003 in which
27 Respondent's License was revoked, with revocation stayed, probation with terms and conditions
28 for three (3) years. A copy of the decision is attached as Exhibit A and incorporated by reference.

1 FIFTH CAUSE TO REVOKE PROBATION

2 (Failure to Cooperate with Board Staff)

3 12. At all times after the effective date (May 2, 2003) of the Decision and Order imposing
4 probation on Respondent's License, Term and Condition 6 of that Order required that Respondent
5 cooperate with the Board's inspection program and with the Board's monitoring and investigation
6 of Respondent's compliance with probation.. The failure(s) to cooperate with Board staff, as
7 described in paragraphs 8-11 above, subject Respondent's License to revocation.

8
9 OTHER MATTERS – EXTENSION OF PROBATION

10 13. At all times after the effective date (May 2, 2003) of the Decision and Order imposing
11 probation on Respondent's License, Term and Condition 13 of that Order required:

12 **13. Violation of Probation.**

13 If Respondent violates probation in any respect, the Board, after giving Respondent
14 notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
15 order that was stayed. If a petition to revoke probation or an accusation is filed against
16 Respondent during probation, the Board shall have continuing jurisdiction, and the period
17 of probation shall be extended, until the petition to revoke probation or accusation is heard
18 and decided.

19 If respondent has not complied with any term or condition of probation, the board
20 shall have continuing jurisdiction over Respondent, and probation shall automatically be
21 extended, until all terms and conditions have been satisfied or the board has taken other
22 action as deemed appropriate to treat the failure to comply as a violation of probation, to
23 terminate probation, and to impose the penalty which was stayed.

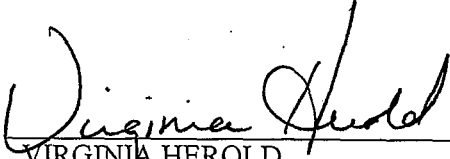
24 14. Pursuant to the operation of Term and Condition 13 of the probation order applicable
25 to Respondent's License, probation is automatically extended by the filing hereof, and/or by
26 Respondent's failure to comply with the terms and conditions of probation, until such time as this
27 Petition to Revoke Probation is heard and decided, or until the Board has taken other action as
28 deemed appropriate to treat the failure to comply as a violation of probation.

26 PRAYER

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

- 1 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2577
2 and imposing the disciplinary order that was stayed, thereby revoking Pharmacy Technician
3 License No. TCH 8898, issued to Danna Michelle Silva;
- 4 2. Revoking or suspending Pharmacy Technician License No. TCH 8898, issued to
5 Danna Michelle Silva;
- 6 3. Taking such other and further action as is deemed necessary and proper.

8 DATED: 12/10/10



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

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Exhibit A

Decision and Order

Board of Pharmacy Case No. 2577