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

12 In the Matter of the Accusation Against:

Case No. 3361

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

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

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

17 Respondent.

18  
19 **FINDINGS OF FACT**

20 1. On or about July 8, 2009, Complainant Virginia Herold, in her official capacity as the  
21 Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation  
22 No. 3361 against Joanna Renee Holloway (Respondent) before the Board of Pharmacy.

23 2. On or about January 28, 2002, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician License No. TCH 39797 to Respondent. The Pharmacy Technician License was in  
25 full force and effect at all times relevant to the charges brought herein and will expire on August  
26 31, 2009, unless renewed.

1           3.     On or about July 21, 2009, Christina A. Pek, an employee of the Department of  
2 Justice, served by Certified and First Class Mail a copy of the Accusation No. 3361, Statement to  
3 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
4 11507.6, and 11507.7 to Respondent's address of record with the Board, which was and is:

5           3745 Churn Creek Road #1, Redding, CA 96002

6           A copy of the Accusation is attached as exhibit A, and is incorporated herein by reference.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505, subdivision (c).

9           On or about August 19, 2009, the aforementioned documents were returned by the U.S.  
10 Postal Service marked "Unclaimed" and "Unable to Forward."

11          5.     Government Code section 11506 states, in pertinent part:

12           (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
13 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
14 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
15 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

16          Respondent failed to file a Notice of Defense within 15 days after service upon her of the  
17 Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3361.

18          6.     California Government Code section 11520 states, in pertinent part:

19           (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
20 agency may take action based upon the respondent's express admissions or upon other evidence  
21 and affidavits may be used as evidence without any notice to respondent.

22          7.     Pursuant to its authority under Government Code section 11520, the Board finds  
23 Respondent is in default. The Board will take action without further hearing and, based on the  
24 evidence on file herein, finds that the allegations in Accusation No. 3361 are true.

25          8.     The total cost for investigation and enforcement in connection with the Accusation  
26 are \$2,072.00 as of August 27, 2009.

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1 **DETERMINATION OF ISSUES**

- 2 1. Based on the foregoing findings of fact, Respondent Joanna Renee Holloway has  
3 subjected her Pharmacy Technician License No. TCH 39797 to discipline.
- 4 2. A copy of the Accusation is attached.
- 5 3. The agency has jurisdiction to adjudicate this case by default.
- 6 4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
7 License based upon the following violations alleged in the Accusation:
- 8 a. Business and Professions Code section 4301(l) - Criminal Convictions
- 9 b. Business and Professions Code section 4301(j) – Violation of Statute Regulating  
10 Controlled Substances
- 11 c. Business and Professions Code section 4301(f) – Acts Involving Moral Turpitude and  
12 Dishonesty
- 13 d. Business and Professions Code section 4301(p) – Acts Warranting Denial of a  
14 License

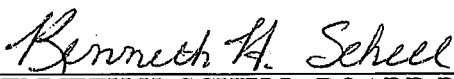
15 **ORDER**

16 IT IS SO ORDERED that Pharmacy Technician License No. TCH 39797, heretofore issued  
17 to Respondent Joanna Renee Holloway, is revoked.

18 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
19 written motion requesting that the Decision be vacated and stating the grounds relied on within  
20 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
21 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

22 This Decision shall become effective on February 24, 2010.

23 It is so ORDERED January 25, 2010.

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25 \_\_\_\_\_  
26 KENNETH H. SCHELL, BOARD PRESIDENT  
27 FOR THE BOARD OF PHARMACY  
28 DEPARTMENT OF CONSUMER AFFAIRS

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Exhibit A: Accusation No.3361

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10  
11 **In the Matter of the Accusation Against,**

Case No.: 3361

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

**ACCUSATION**

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

Respondent.

17  
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.

17           ...

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.

26           ...

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.

1  
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*<sup>1</sup> (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 <sup>1</sup> During the arrest, Respondent eventually admitted that her true name was Joanna Marie  
27 Granados, formerly Holloway.  
28



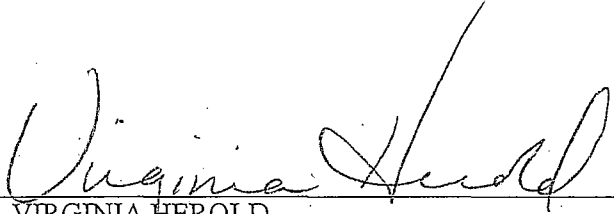
PRAYER

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 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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