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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. 4857

13 **JUSTIN WILLIAM KNOWLES**
14 **15 Spur Road**
15 **Dover, NH 03820**

A C C U S A T I O N

16 **Pharmacist License No. RPH 63427**

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about November 19, 2009, the Board of Pharmacy issued Pharmacist License
22 Number RPH 63427 to Justin William Knowles (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on May 31,
24 2015, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

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

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

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

6 (1) Suspending judgment.

7 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

10 5. Section 4300.1 of the Code states:

11 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
12 of law or by order or decision of the board or a court of law, the placement of a license on a
13 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
14 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
15 against, the licensee or to render a decision suspending or revoking the license."

16 6. Section 4301 of the Code states:

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

20 (h) The administering to oneself, of any controlled substance, or the use of any dangerous
21 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
22 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
23 to the extent that the use impairs the ability of the person to conduct with safety to the public the
24 practice authorized by the license.

25 (i) The conviction of a crime substantially related to the qualifications, functions, and duties
26 of a licensee under this chapter. The record of conviction of a violation of Chapter 13
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
28 substances or of a violation of the statutes of this state regulating controlled substances or

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

14 **COST RECOVERY**

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

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Substantially Related Criminal Conviction)**

21 8. Respondent is subject to disciplinary action under section 4301, subsection (I), in that
22 on or about August 12, 2013, in Tulare County Superior Court in the case entitled *People v.*
23 *Justin William Knowles*, case number VCM283290, Respondent was convicted of violating
24 Vehicle Code section 23152(a), driving under the combined influence of alcohol and drugs, Penal
25 Code section 242, battery, and Penal Code section 148, subsection (a), paragraph (1), resisting a
26 peace officer. The circumstances are as follows:

27 9. On or about March 31, 2013, Respondent was traveling northbound on a well-traveled
28 surface street in Tulare County where the speed limit is 40 miles per hour. Respondent was

1 driving at approximately 80-90 miles per hour and using the southbound lanes to pass slower
2 northbound traffic. Ultimately, Respondent lost control of his vehicle, which crashed into a fence.
3 A witness attempted to obtain Respondent's keys. Respondent punched the witness several times
4 in the head. Police officers arrived on scene, and Respondent struggled with them as well.
5 Respondent was observed attempting to swallow handfuls of unidentified pills.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Self-Administration of Controlled Substance and Alcohol to an Extent or in a**
8 **Manner Dangerous to Self or Others)**

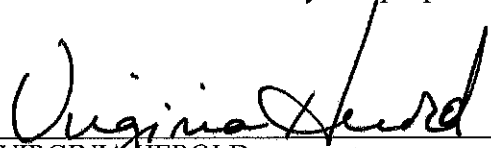
9 10. Respondent is subject to disciplinary action under section 4301, subsection (h), in that
10 on or about March 31, 2013, Respondent consumed phenobarbital and alcohol prior to driving a
11 vehicle on a public roadway as set forth in paragraph 9, above.

12 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacist Number 63427, issued to Justin William Knowles;
16 2. Ordering Justin William Knowles to pay the Board of Pharmacy the reasonable costs
17 of the investigation and enforcement of this case, pursuant to Business and Professions Code
18 section 125.3;
19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 10/3/13


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

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