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3 **BEFORE THE**
4 **BOARD OF PHARMACY**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

6 In the Matter of the Accusation Against:

Case No. 3848

7
8 **JOHN ELOY ANDERSON, AKA JOAN**
9 **ELLOY ANDERSON**
10 **16236 Virginia Avenue**
11 **Paramount, CA 90723**
12 **Pharmacy Technician Registration No. TCH**
13 **37186**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

14 FINDINGS OF FACT

15 1. On or about March 9, 2011, Complainant Virginia Herold, in her official capacity as
16 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
17 Accusation No. 3848 against John Eloy Anderson, aka Joan Elloy Anderson (Respondent) before
18 the Board of Pharmacy. (Accusation attached as Exhibit A.)

19 2. On or about April 12, 2001, the Board of Pharmacy (Board) issued Pharmacy
20 Technician Registration No. TCH 37186 to Respondent. The Pharmacy Technician Registration
21 was in full force and effect at all times relevant to the charges brought herein and will expire on
22 May 31, 2012, unless renewed.

23 3. On or about March 21, 2011, Respondent was served by Certified and First Class
24 Mail copies of the Accusation No. 3848, Statement to Respondent, Notice of Defense, Request
25 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
26 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
27 section 4100, is required to be reported and maintained with the Board, which was and is
28 16236 Virginia Avenue, Paramount, CA 90723.

1 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
2 Registration based upon the following violations alleged in the Accusation which are supported
3 by the evidence contained in the Default Decision Evidence Packet in this case.:

4 a. Respondent is subject to disciplinary action under sections 4300 and 4301,
5 subdivisions (l), in conjunction with section 490, on the grounds of unprofessional
6 conduct, as defined in California Code of Regulations, title 16, section 1770, in that
7 Respondent was convicted of crimes substantially related to the qualifications,
8 functions or duties of a pharmacy technician.

9 b. Respondent is subject to disciplinary action under Code Section 4301(f) in that
10 Respondent committed multiple acts involving moral turpitude and a complete
11 disregard for the laws of this State.

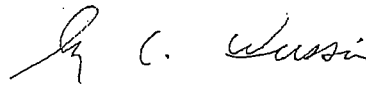
12 ORDER

13 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 37186, heretofore
14 issued to Respondent John Eloy Anderson, aka Joan Elloy Anderson, is revoked.

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

19 This Decision shall become effective on September 23, 2011.

20 It is so ORDERED August 24, 2011.

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23 _____
24 STANLEY C. WEISSER, BOARD PRESIDENT
25 FOR THE BOARD OF PHARMACY
26 DEPARTMENT OF CONSUMER AFFAIRS

26 60625660.DOC
27 DOJ Matter ID:LA2010601159

28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Attorneys for Complainant
7

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9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

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14 **16236 Virginia Avenue**
Paramount, CA 90723
15 **Pharmacy Technician Registration No. TCH**
37186

ACCUSATION

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 21 2. On or about April 12, 2001, the Board of Pharmacy issued Pharmacy Technician
22 Registration Number TCH 37186 to John Eloy Anderson, aka Joan Elloy Anderson (Respondent).
23 The Pharmacy Technician Registration was in full force and effect at all times relevant to the
24 charges brought herein and will expire on May 31, 2012, 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 provides, in pertinent part, that every license issued by the Board is
2 subject to discipline, including suspension or revocation.

3 5. Section 4301 of the Code states:

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

7

8 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
9 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
10 whether the act is a felony or misdemeanor or not.

11

12 "(I) The conviction of a crime substantially related to the qualifications, functions, and
13 duties of a licensee under this chapter. ..."

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

18 7. Section 118, subdivision (b), of the Code provides that the
19 suspension/expiration/surrender/cancellation of a license shall not deprive the
20 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
21 within which the license may be renewed, restored, reissued or reinstated.

22 8. Section 490 of the Code provides, in pertinent part, that a board may suspend or
23 revoke a license on the ground that the licensee has been convicted of a crime substantially
24 related to the qualifications, functions, or duties of the business or profession for which the
25 license was issued.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Substantially Related Convictions)

3 9. Respondent is subject to disciplinary action under sections 4300 and 4301,
4 subdivisions (l), in conjunction with section 490, on the grounds of unprofessional conduct, as
5 defined in California Code of Regulations, title 16, section 1770, in that Respondent was
6 convicted of crimes substantially related to the qualifications, functions or duties of a pharmacy
7 technician as follows:

8 a. On or about October 17, 2003, Respondent was convicted of one misdemeanor count
9 of violating Penal Code section 273.6 (a) (Violate Domestic Relations Court Order) in the
10 criminal proceeding entitled *People of the State of California v. John Eloy Anderson*, in the
11 Superior Court of California, County of Los Angeles, Case No. 3LC00547). Respondent was
12 placed on summary probation for 36 months on certain terms and conditions which include, but
13 are not limited to, 25 days in jail, obey protective order, and four psychotherapy sessions with
14 progress shown.

15 b. On or about February 20, 2004, Respondent was convicted of one misdemeanor count
16 of violating Penal Code section 273.6(a) (Violate Domestic Relations Court Order), in the
17 criminal proceeding entitled *People of the State of California v. John Eloy Anderson* in the
18 Superior Court of California, County of Los Angeles, Case No. CM08753. Respondent was
19 placed on summary probation for 36 months on certain terms and conditions which include, but
20 are not limited to, 45 days in county jail, obey protective order, attend psychotherapy sessions,
21 and pay fines, fees, and restitution. Probation was revoked for probation violation on January 24,
22 2005. On September 6, 2005, Respondent was remanded back to custody. On October 26, 2005,
23 the court terminated probation pursuant to a plea agreement in criminal Case No. TA080302 (to
24 be fully described in paragraph (d).

25 c. On or about February 20, 2004, Respondent was convicted of one misdemeanor count
26 of violating Penal Code section 273.6(a) (Violate Domestic Relations Court Order), in the
27 criminal proceeding entitled *People of the State of California v. John Eloy Anderson* in the
28 Superior Court of California, County of Los Angeles, Case No. 3CM08742. Respondent was

1 placed on summary probation for 36 months on certain terms and conditions which include, but
2 are not limited to, 45 days in county jail, obey protective order, attend psychotherapy sessions,
3 and pay fines, fees, and restitution. Probation was revoked for probation violation on January 24,
4 2005. On September 6, 2005, Respondent was remanded back to custody. On October 26, 2005,
5 the court terminated probation pursuant to a plea agreement in criminal Case No. TA080302 (to
6 be fully described in paragraph (d).

7 d. On or about October 26, 2005, Respondent was convicted of one felony count of
8 violating Penal Code section 646.9(b) (Stalking: Temporary Restraining Order), in the criminal
9 proceeding entitled *People of the State of California v. John Eloy Anderson*, the Superior Court of
10 California, County of Los Angeles, Case No. TA080302). Respondent was placed on probation
11 for five years, under terms and conditions which included, but was not limited to, one year in
12 county jail, no drugs or alcohol, domestic violence counseling, drug testing, and no ownership or
13 possession of deadly weapons. Probation was revoked on May 19, 2008 and Respondent was
14 remanded to custody on June 9, 2008. On August 6, 2008, the court denied probation and ordered
15 Respondent to serve three years. Respondent was released from prison on July 27, 2010.

16 The circumstances of the crime are that Respondent was arrested on June 17, 2005 for
17 stalking and making criminal threats to Brenda G., as well as contempt of court for disobeying a
18 protective order.

19 SECOND CAUSE FOR DISCIPLINE

20 (Unprofessional Conduct/Acts Involving Moral Turpitude)

21 10. Respondent is subject to disciplinary action under Code Section 4301(f) in that
22 Respondent committed multiple acts involving moral turpitude and a complete disregard for the
23 laws of this State. Complainant refers to, and by this reference incorporates, the allegations set
24 forth above in Paragraph 9 subparagraphs (a) through (d), inclusive, as though set forth fully.

25 PRAYER

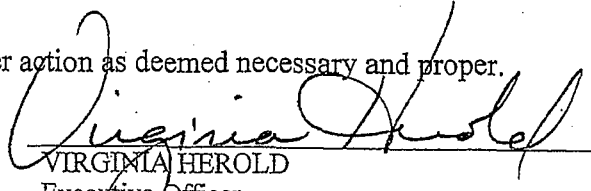
26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board of Pharmacy issue a decision:

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1. Revoking or suspending Pharmacy Technician Registration Number TCH 37186, issued to John Eloy Anderson, aka Joan Elloy Anderson
2. Ordering John Eloy Anderson 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: 3/9/11



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

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