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**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
**JOHNIECE ROSE MARIE BROOKS**  
817 E. 46th Street  
Long Beach, CA 90807  
Pharmacy Technician Registration No. TCH  
116294  
  
Respondent.

Case No. 4589

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about March 4, 2013, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4589 against Johniece Rose Marie Brooks (“Respondent”) before the Board of Pharmacy. (Accusation attached as Exhibit A).
2. On or about September 15, 2011, the Board of Pharmacy (“Board”) issued Pharmacy Technician Registration No. TCH 116294 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4589 and will expire on May 31, 2013, unless renewed.

1           3.    On or about March 7, 2013, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 4589, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,  
5 is required to be reported and maintained with the Board. Respondent's address of record was  
6 and is:

7    817 E. 46th Street  
8    Long Beach, CA 90807

9           4.    On or about March 7, 2013, Respondent was served by Certified and First Class Mail  
10 copies of the Accusation No. 4589, Statement to Respondent, Notice of Defense, Request for  
11 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
12 at additional address of record:

13    Department of State Hospitals-Patton  
14    3102 East Highland Ave.  
15    Patton, CA 92369

16           5.    Service of the Accusation was effective as a matter of law under the provisions of  
17 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
18 124.

19           6.    Both signed Certified Mail receipts from the mailings referenced in paragraphs 3 and  
20 4 were returned to the Board.

21           7.    Government Code section 11506 states, in pertinent part:

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

27           8.    Respondent failed to file a Notice of Defense within 15 days after service upon her of  
28 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4589.

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

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

1 respondent.

2 10. Pursuant to its authority under Government Code section 11520, the Board finds  
3 Respondent is in default. The Board will take action without further hearing and, based on the  
4 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
5 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
6 file at the Board's offices regarding the allegations contained in Accusation No. 4589, finds that  
7 the charges and allegations in Accusation No. 4589, are separately and severally, found to be true  
8 and correct by clear and convincing evidence.

9 11. Taking official notice of its own internal records, pursuant to Business and  
10 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
11 and Enforcement is \$1,012.50 as of April 17, 2013.

12 **DETERMINATION OF ISSUES**

13 1. Based on the foregoing findings of fact, Respondent Johniece Rose Marie Brooks has  
14 subjected her Pharmacy Technician Registration No. TCH 116294 to discipline.

15 2. The agency has jurisdiction to adjudicate this case by default.

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

19 a. Respondent is subject to disciplinary action under section 4301 of the Code on the  
20 grounds of unprofessional conduct in that on or about October 29, 2011, Long Beach Police  
21 Department Officers ("Officers") responded to a call regarding a possible assault with a deadly  
22 weapon. Upon arrival at the dispatched location, Officers observed that Respondent's clothing  
23 and hands were covered in blood. Officers also observed a large amount of blood inside one of  
24 the units of the building and blood on the staircase handle and walls leading to a second unit.  
25 Officers took possession of a two-inch black handled folding pocket knife. Witnesses reported  
26 hearing the victim screaming "help me, help me, someone help me please" and observed the  
27 Respondent holding a victim by the arm. Witnesses also reported that the Respondent held the  
28 victim's hair with her left hand and stabbed the victim's neck and the right side of her body.

# Exhibit 4

Long Beach Police Department Police Report

1 Respondent was subdued by witnesses until Officers arrived. The victim had approximately  
2 fifteen (15) stab wounds to her head, back and shoulders. Officers placed Respondent under  
3 arrest.

4 b. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the  
5 code on the grounds of unprofessional conduct in that Respondent committed an act involving  
6 moral turpitude when, on or about October 29, 2011, she stabbed another person multiple times.  
7 The conduct is described in more particularity in Accusation No. 4589, hereby incorporated by  
8 reference.

9 c. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the  
10 code on the grounds of unprofessional conduct in that Respondent violated provisions and terms  
11 of this chapter. The violations are described in more particularity in Accusation No. 4589, hereby  
12 incorporated by reference.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 116294, heretofore issued to Respondent Johniece Rose Marie Brooks, is revoked.

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

This Decision shall become effective on June 20, 2013.

It is so ORDERED ON May 21, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

51278785.DOC  
DOJ Matter ID: LA2013508738

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 4589

11 **JOHNIECE ROSE MARIE BROOKS AKA**  
12 **JOHNIECE ROSIEMAE BROOKS**

**A C C U S A T I O N**

13 817 E. 46th Street  
14 Long Beach, CA 90807

15 Pharmacy Technician Registration No. TCH  
116294

16 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 September 15, 2011, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 116294 to Johniece Rose Marie Brooks aka Johniece Rosiemae  
24 Brooks ("Respondent"). The Pharmacy Technician Registration was in full force and effect at all  
25 times relevant to the charges brought herein and will expire on May 31, 2013, unless renewed.

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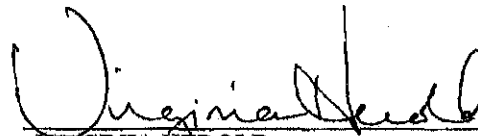
1 of this chapter. The violations are described in more particularity in paragraphs 8 through 10  
2 above, inclusive and hereby incorporated by reference.

3 PRAYER

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

- 6 1. Revoking or suspending Pharmacy Technician Registration Number TCH 116294,  
7 issued to Johniece Rose Marie Brooks aka Johniece Rosiemae;
- 8 2. Ordering Johniece Rose Marie Brooks aka Johniece Rosiemae to pay the Board of  
9 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
10 Business and Professions Code section 125.3;
- 11 3. Taking such other and further action as deemed necessary and proper.

12  
13 DATED: 3/4/13



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

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