

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Statement of Issues
Against:

ERICA JOHNSON

**Pharmacy Technician Registration
Applicant**

Respondent.

Case No. 5510
OAH No. 2015090828
DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about November 4, 2015, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Statement of Issues No. 5510 against Erica Johnson (Respondent) before the Board of Pharmacy.
2. On or about July 14, 2014, Respondent filed an undated application with the Board of Pharmacy to obtain a Pharmacy Technician Registration.

1 3. On or about April 3, 2015, the Board issued a letter denying Respondent's application
2 for a Pharmacy Technician Registration. On or about May 29, 2015, Respondent appealed the
3 Board's denial of her application and requested a hearing.

4 4. On or about September 15, 2015, an employee of the Department of Justice, served
5 by Certified and First Class Mail a copy of the Statement of Issues, Statement to Respondent,
6 Respondent/Applicant's Notice of Designation of Counsel, Respondent/Applicant's Notice of
7 Withdrawal of Request for Hearing, Request for Hearing, Request for Discovery and Government
8 Code sections 11507.5, 11507.6, and 11507.7. On or about November 4, 2015, an employee of
9 the Department of Justice, served by Certified and First Class Mail a copy of the First Amended
10 Statement of Issues No. 5510, Supplemental Statement to Respondent and Request for Discovery,
11 to Respondent's address on the application form, which was and is 31968 Corte De Pinos,
12 Winchester, CA 92596 and an address provided to the Department of Justice, which was and is
13 44376 Cook Street, Palm Desert, CA 92211. A copy of the First Amended Statement of Issues is
14 attached as exhibit A, and is incorporated herein by reference.

15 5. Service of the First Amended Statement of Issues was effective as a matter of law
16 under the provisions of Government Code section 11505, subdivision (c).

17 6. On or about May 29, 2015, Respondent appealed the denial of her application and
18 requested a hearing in this action. A Notice of Hearing was served by mail at Respondent's
19 address on the application and it informed her that an administrative hearing in this matter was
20 scheduled for November 23, 2015. Respondent failed to appear at that hearing.

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 ///

28 ///

 ///

 ///

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

2 (a) If the respondent either fails to file a notice of defense or to appear at the
3 hearing, the agency may take action based upon the respondent's express admissions
4 or upon other evidence and affidavits may be used as evidence without any notice to
5 respondent; and where the burden of proof is on the respondent to establish that the
6 respondent is entitled to the agency action sought, the agency may act without taking
7 evidence.

8 9. Pursuant to its authority under Government Code section 11520, the Board finds
9 Respondent is in default. The Board will take action without further hearing based upon the
10 allegations set forth in the First Amended Statement of Issues and Respondent's failure to
11 establish entitlement to issuance of a license.

12 DETERMINATION OF ISSUES

13 1. Based on the foregoing findings of fact, Respondent Erica Johnson has subjected her
14 application for a Pharmacy Technician Registration to denial.

15 2. Service of First Amended Statement of Issues No. 5510 and related documents was
16 proper and in accordance with the law.

17 3. The agency has jurisdiction to adjudicate this case by default.

18 4. The Board of Pharmacy is authorized to deny Respondent's application for licensure
19 based upon the following violations alleged in the First Amended Statement of Issues:

20 a. Respondent was convicted of a crime on October 21, 2001 for possession of a
21 controlled substance that is substantially related to the qualifications, duties, and functions of a
22 registered pharmacy technician, which would also be a ground for discipline for a registered
23 pharmacy technician under Code section 4301, subdivision (l).

24 b. Respondent used narcotic drugs on August 1, 2003 and January 19, 2004, to the
25 extent and in a manner that was dangerous and injurious to herself and to the public, which would
26 also be a ground for discipline for a registered pharmacy technician under Code section 4301,
27 subdivision (h) or to the extent that the use impaired the ability of the licensed person to conduct
28 with safety to the public the practice authorized by the license.

c. Respondent was convicted of crimes on June 9, 2004 for driving under the
influence of a drug that are substantially related to the qualifications, duties, and functions of a

1 registered pharmacy technician, which would also be a ground for discipline for a registered
2 pharmacy technician under Code section 4301, subdivision (l).

3 d. Respondent was convicted of crimes on August 22, 2012 for driving with a
4 blood alcohol content of .08 percent or more, that are substantially related to the qualifications,
5 duties, and functions of a registered pharmacy technician, which would also be a ground for
6 discipline for a registered pharmacy technician under Code section 4301, subdivision (l).

7 e. Respondent used alcohol on December 3, 2010, to the extent and in a manner
8 that was dangerous and injurious to herself and to the public, which would also be a ground for
9 discipline for a registered pharmacy technician under Code section 4301, subdivision (h) or to
10 the extent that the use impaired the ability of the licensed person to conduct with safety to the
11 public the practice authorized by the license.

12 f. Respondent was convicted of either a felony on October 2, 2001, June 9, 2004,
13 and August 22, 2012 and/or more than one misdemeanor involving the use or consumption of
14 alcohol and drugs, which would also be a ground for discipline for a registered pharmacy
15 technician under Code section 4301, subdivision (k).

16 g. Respondent violated statutes of the State of California regulating controlled
17 substances and dangerous drugs, including Health and Safety Code sections 11377, subdivision
18 (a) and 11550, subdivision (a) on August 23, 2001, August 1, 2003, and January 19, 2004.

19 //
20 //
21 //
22 //
23 //
24 //
25 //
26 //
27 //
28 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

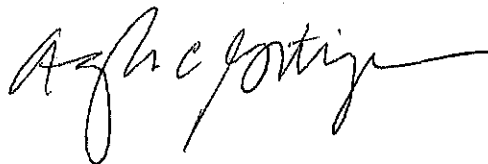
IT IS SO ORDERED that the application of Respondent Erica Johnson is hereby denied.

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 February 19, 2016.

It is so ORDERED January 20, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

SD2015801462/81211945.DOC

Attachment:

Exhibit A: First Amended Statement of Issues No. 5510

Exhibit A

First Amended Statement of Issues No. 5510

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2617
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11 In the Matter of the Statement of Issues Against:

Case No. 5510

12 **ERICA JOHNSON**

**FIRST AMENDED STATEMENT OF
ISSUES**

13 **Pharmacy Technician Registration Applicant**

14 Respondent.

15
16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On July 14, 2014, the Board of Pharmacy, Department of Consumer Affairs
23 received an application for a Pharmacy Technician Registration from Erica Johnson
24 (Respondent). Erica Johnson certified under penalty of perjury to the truthfulness of all
25 statements, answers, and representations in the undated application. The Board denied the
26 application on April 3, 2015.

27 ///

28 ///

1 **JURISDICTION**

2 3. This First Amended Statement of Issues is brought before the Board of Pharmacy
3 (Board), Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (c) of the Code states:

6 The board may refuse a license to any applicant guilty of unprofessional conduct.

7 **STATUTORY PROVISIONS**

8 5. Section 475 of the Code states:

9 (a) Notwithstanding any other provisions of this code, the provisions
10 of this division shall govern the denial of licenses on the grounds of:

11 (1) Knowingly making a false statement of material fact, or
12 knowingly omitting to state a material fact, in an application for a license.

12 (2) Conviction of a crime.

13 (3) Commission of any act involving dishonesty, fraud or deceit
14 with the intent to substantially benefit himself or another, or substantially injure
15 another.

15 (4) Commission of any act which, if done by a licentiate of the
16 business or profession in question, would be grounds for suspension or revocation
17 of license.

17

18 6. Section 480 of the Code states:

19 (a) A board may deny a license regulated by this code on the grounds
20 that the applicant has one of the following:

21 (1) Been convicted of a crime. A conviction within the meaning of
22 this section means a plea or verdict of guilty or a conviction following a plea of
23 *nolo contendere*. Any action that a board is permitted to take following the
24 establishment of a conviction may be taken when the time for appeal has elapsed,
25 or the judgment of conviction has been affirmed on appeal, or when an order
26 granting probation is made suspending the imposition of sentence, irrespective of
27 a subsequent order under the provisions of section 1203.4 of the Penal Code.

25

26 (3) (A) Done any act that if done by a licentiate of the business or
27 profession in question, would be grounds for suspension or revocation of license.

27

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

- (a) Considering the denial of a license by the board under section 480; or
- (b) Considering suspension or revocation of a license under section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

As used in this section, "license" includes "certificate," "permit," "authority," and "registration."

9. Section 4301 of the Code states:

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

....

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

....

(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

///

1 (k) The conviction of more than one misdemeanor or any felony involving
2 the use, consumption, or self-administration of any dangerous drug or alcoholic
beverage, or any combination of those substances.

3 (l) The conviction of a crime substantially related to the qualifications,
4 functions, and duties of a licensee under this chapter. The record of conviction of
5 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United
6 States Code regulating controlled substances or of a violation of the statutes of
7 this state regulating controlled substances or dangerous drugs shall be conclusive
8 evidence of unprofessional conduct. In all other cases, the record of conviction
9 shall be conclusive evidence only of the fact that the conviction occurred. The
10 board may inquire into the circumstances surrounding the commission of the
11 crime, in order to fix the degree of discipline or, in the case of a conviction not
12 involving controlled substances or dangerous drugs, to determine if the conviction
13 is of an offense substantially related to the qualifications, functions, and duties of
14 a licensee under this chapter. A plea or verdict of guilty or a conviction following
15 a plea of *nolo contendere* is deemed to be a conviction within the meaning of this
16 provision. The board may take action when the time for appeal has elapsed, or the
17 judgment of conviction has been affirmed on appeal or when an order granting
18 probation is made suspending the imposition of sentence, irrespective of a
19 subsequent order under section 1203.4 of the Penal Code allowing the person to
20 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
21 the verdict of guilty, or dismissing the accusation, information, or indictment.

22

23 REGULATORY PROVISIONS

24 10. California Code of Regulations, title 16, section 1769 states:

25 (a) When considering the denial of a facility or personal license under
26 section 480 of the Business and Professions Code, the board, in evaluating the
27 rehabilitation of the applicant and his present eligibility for licensing or
28 registration, will consider the following criteria:

(1) The nature and severity of the act(s) or offense(s) under
consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the act(s) or
crime(s) under consideration as grounds for denial under section 480 of the
Business and Professions Code.

(3) The time that has elapsed since commission of the act(s) or
crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of parole,
probation, restitution or any other sanctions lawfully imposed against the
applicant.

(5) Evidence, if any, of rehabilitation submitted by the applicant.

.....

1 11. California Code of Regulations, title 16, section 1770 states:

2 For the purpose of denial, suspension, or revocation of a personal or
3 facility license pursuant to Division 1.5 (commencing with section 475) of the
4 Business and Professions Code, a crime or act shall be considered substantially
5 related to the qualifications, functions or duties of a licensee or registrant if to a
6 substantial degree it evidences present or potential unfitness of a licensee or
7 registrant to perform the functions authorized by his license or registration in a
8 manner consistent with the public health, safety, or welfare.

9 **FIRST CAUSE FOR DENIAL OF APPLICATION**

10 **(October 2, 2001 Conviction for Possession of Controlled Substances on August 23, 2001)**

11 12. Respondent's application for a Pharmacy Technician Registration is subject to
12 denial under Code sections 475, subdivision (a)(2) and 480, subdivisions (a)(1) and (a)(3)(A) in
13 that she was convicted of a crime that is substantially related to the qualifications, duties, and
14 functions of a registered pharmacy technician, which would also be a ground for discipline for a
15 registered pharmacy technician under Code section 4301, subdivision (I). The circumstances are
16 as follows:

17 a. On October 2, 2001, in a criminal proceeding entitled *The People of the*
18 *State of California v. Erica Garcia, aka Erika Garcia*, in Riverside County Superior Court,
19 Southwest Justice Center, Case Number PEF006684, Respondent pled guilty to violating Health
20 and Safety Code section 11350, unlawful possession of controlled substances. A felony charge
21 for violation of Health and Safety Code section 11377, subdivision (a), unlawful possession of
22 methamphetamine, and misdemeanor charges for violation of Health and Safety Code sections
23 11357, subdivision (b), unlawful possession of more than 28.5 grams of marijuana and 11550,
24 subdivision (a), being under the influence of a controlled substance, were dismissed pursuant to a
25 plea bargain.

26 b. As a result of the plea, on October 2, 2001, Respondent was granted
27 deferred entry of judgment for a period not less than 18 months and not to exceed three years
28 pursuant to Penal Code section 1000 and ordered to pay fees. Respondent was also ordered to
enroll in and comply with the Diversion Program, including participating in an appropriate
education, treatment, and counseling program and provide proof of enrollment to the clerk by

1 November 1, 2001 and December 3, 2001. The court deferred entry of judgment until April 2,
2 2003. On July 19, 2002, Respondent was terminated from the Diversion Program for
3 unsatisfactory participation due to poor attendance. On August 20, 2002, the court found
4 Respondent failed to comply with the diversion program, terminated diversion and criminal
5 proceedings were resumed.

6 c. On August 20, 2002, the criminal court found Respondent eligible for the
7 Substance Abuse Program pursuant to Penal Code section 1210.1 (Proposition 36) and ordered
8 her to report to the Riverside County Mental Health Counselor for a treatment plan. The court
9 also granted formal probation for 36 months under certain terms and conditions, including no
10 possession or use of any controlled substances unless medically prescribed. On or about
11 September 19, 2002, the court revoked her probation because Respondent had not enrolled in a
12 substance abuse counseling program. On February 28, 2003, the court revoked her probation for
13 testing positive for the presence of amphetamines and methamphetamines in her system and
14 failing to appear. On April 14, 2003, Respondent was reported non-compliant with her treatment
15 program and was at risk of continuing drug use. On May 13, 2003, Respondent was referred for
16 treatment extension and probation reinstated. On August 1, 2003, Respondent was arrested as
17 detailed in paragraph 13, below. On August 7, 2003, the Court found Respondent "unamenable"
18 to substance abuse treatment and found her in violation of probation.

19 d. On September 4, 2003, a *Petition to Violate Probation pursuant to Penal*
20 *Code Section 1203.2(b)* was filed against her alleging that she violated probation because a
21 criminal complaint had been filed against her for violation of Health and Safety Code section
22 11550, subdivision (a). On September 18, 2003, the court sentenced her to successfully
23 complete a residential substance abuse treatment program while in custody, with credit for 43
24 days actually served and 20 days for good behavior. On or about November 26, 2003, the court
25 found that Respondent refused to participate in the substance abuse treatment program while in
26 custody.

27 e. On February 13, 2004, a *Petition to Violate Probation pursuant to Penal*
28 *Code Section 1203.2(b)* was filed against her alleging she violated probation because a criminal

1 complaint had been filed against her, as detailed in paragraph 14, below. On June 9, 2004,
2 Respondent was sentenced for violating Health & Safety Code section 11350 and ordered into
3 custody.

4 f. The facts that led to the conviction are that on August 23, 2001, a deputy
5 requested to search Respondent's vehicle in a location known for drug sales. Respondent
6 consented and the deputy found 1.5 grams of marijuana buds in a clear baggie in the glove
7 compartment of her vehicle and a plastic bindle containing .10 grams of methamphetamine in
8 Respondent's purse. Respondent also appeared to be under the influence of methamphetamines.

9 **SECOND CAUSE FOR DENIAL OF APPLICATION**

10 **(Act If Done By Licentiate – Dangerous Use of Drugs)**

11 13. Respondent's application for a Pharmacy Technician Registration is subject to
12 denial under Code section 480, subdivision (a)(3)(A) in that she used narcotic drugs to the extent
13 and in a manner that was dangerous and injurious to herself and to the public, which would also
14 be a ground for discipline for a registered pharmacy technician under Code section 4301,
15 subdivision (h) or to the extent that the use impaired the ability of the licensed person to conduct
16 with safety to the public the practice authorized by the license. The circumstances are as follows:

17 a. On August 1, 2003, Respondent tested positive for methamphetamine at
18 180 Nano grams per ng/mL at a checkpoint on Jefferson Street in Temecula, California.
19 Respondent's use of methamphetamine is a violation of Health and Safety Code section 11550,
20 subdivision (a), being under the influence of a controlled substance.

21 b. On January 19, 2004, while under the influence of methamphetamine,
22 Respondent operated a motor vehicle in disregard for the safety of persons and property, as
23 detailed in paragraph 14, below.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 **(June 9, 2004 Conviction for Driving Under the Influence of a Drug on January 19, 2004)**

26 14. Respondent's application for a Pharmacy Technician Registration is subject to
27 denial under Code sections 475, subdivision (a)(2) and 480, subdivisions (a)(1) and (a)(3)(A) in
28 that she was convicted of crimes that are substantially related to the qualifications, duties, and

1 functions of a registered pharmacy technician, which would also be a ground for discipline for a
2 registered pharmacy technician under Code section 4301, subdivision (l). The circumstances are
3 as follows:

4 a. On June 9, 2004, in a criminal proceeding entitled *The People of the State*
5 *of California v. Erica Garcia, aka Erika Garcia*, in Riverside County Superior Court, Southwest
6 Justice Center, Case Number SWF006769, Respondent pled guilty to violating Vehicle Code
7 sections 2800.2, disregard for safety, a felony, and 23152, subdivision (a), driving under the
8 influence (DUI) of a drug, a misdemeanor. Misdemeanor charges for violation of Health and
9 Safety Code section 11550, subdivision (a), being under the influence of a controlled substance,
10 and PC section 148, subdivision (a)(1), willfully resisted, delayed, or obstructed a public officer,
11 peace officer, or an emergency medical technician, were dismissed under a plea bargain.

12 b. As a result of the convictions, on June 9, 2004, Respondent was sentenced
13 to two years in state prison, 90 days in county jail and ordered to pay fines and restitution.

14 c. The facts that led to the conviction are that in the evening of January 18,
15 2004, Respondent used methamphetamines at an acquaintance's house. On January 19, 2004,
16 Respondent ran her vehicle into her parents' garage door in Temecula, California. Respondent
17 then fled the scene. While a deputy from the Riverside County Sheriff's Department was
18 interviewing Respondent's mother, Respondent passed by, waved at them and then sped away.
19 The responding deputy located Respondent and followed her. Respondent accelerated and ran a
20 red light at an intersection. Respondent ran a second red light at another intersection and a stop
21 sign, while being followed at speeds above 80 miles per hour. Another deputy later found
22 Respondent's car parked without Respondent in it. A third deputy saw Respondent running and
23 took her to the ground. Respondent fought the officers and was subsequently arrested. A deputy
24 formed the opinion that Respondent was under the influence of a CNS stimulant and could not
25 operate a motor vehicle safely.

1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 **(Aug. 22, 2012 Conviction for Driving With a BAC of .08% or More on Dec. 3, 2010)**

3 15. Respondent's application for a Pharmacy Technician Registration is subject to
4 denial under Code sections 475, subdivision (a)(2) and 480, subdivisions (a)(1) and (a)(3)(A) in
5 that she was convicted of crimes that are substantially related to the qualifications, duties, and
6 functions of a registered pharmacy technician, which would also be a ground for discipline for a
7 registered pharmacy technician under Code section 4301, subdivision (I). The circumstances are
8 as follows:

9 a. On August 22, 2012, in a criminal proceeding entitled *The People of the*
10 *State of California v. Erica Garcia, aka Erika Garcia, aka Erica Johnson*, in Riverside County
11 Superior Court, Southwest Justice Center, Case Number SWM1103671, Respondent pled guilty
12 to violating Penal Code section 273a, subdivision (b), child abuse and endangerment and Vehicle
13 Code section 23152, subdivision (b), driving with a blood alcohol concentration (BAC) of 0.08
14 percent or more, both misdemeanors. Respondent admitted and the court found true the
15 allegation that her BAC was .15 percent or more, a sentencing enhancement pursuant to Vehicle
16 Code section 23578. Respondent also admitted and the court found true the allegation that within
17 ten years of violating Vehicle Code section 23152, subdivision (a) mentioned above, on January
18 19, 2004, she committed a separate violation of Vehicle Code section 23152, subdivisions (a),
19 resulting in a conviction on June 9, 2004, in Case Number SWF006769, detailed in paragraph
20 14, above. A misdemeanor charge for violation of Vehicle Code section 23152, subdivision (a),
21 DUI with a similar enhancement, was dismissed pursuant to a plea bargain.

22 b. As a result of the convictions, on August 22, 2012, Respondent was
23 sentenced to be committed to the custody of the Riverside County Sheriff for 75 days, with credit
24 for two days actually served and two days for good behavior, with the balance to be served in the
25 work release program. Respondent was granted summary probation for 48 months subject to
26 certain terms and conditions. Respondent was ordered to enroll in a multiple offender drinking
27 driver alcohol, drug education, and counseling program and in parenting classes.

1 c. The facts that led to the convictions are that on December 3, 2010,
2 Respondent attended her husband's graduation and drank alcohol. After drinking alcohol,
3 Respondent placed her daughter into her car and started driving. She rolled her vehicle with her
4 daughter inside of it.

5 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

6 **(Act If Done By Licentiate – Dangerous Use of Alcohol)**

7 16. Respondent's application for a Pharmacy Technician Registration is subject to
8 denial under Code section 480, subdivision (a)(3)(A) in that on December 3, 2010, she used
9 alcohol to the extent and in a manner that was dangerous and injurious to herself and to the
10 public, which would also be a ground for discipline for a registered pharmacy technician under
11 Code section 4301, subdivision (h) or to the extent that the use impaired the ability of the
12 licensed person to conduct with safety to the public the practice authorized by the license.

13 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

14 **(Act If Done By Licentiate – Convictions of Alcohol and Drug Related Offenses)**

15 17. Respondent's application for a Pharmacy Technician Registration is subject to
16 denial under Code section 480, subdivision (a)(3)(A) in that on October 2, 2001, June 9, 2004,
17 and August 22, 2012, she was convicted of a felony and more than one misdemeanor involving
18 the use or consumption of alcohol and drugs, which would also be a ground for discipline for a
19 registered pharmacy technician under Code section 4301, subdivision (k), as described in
20 paragraphs 12, 14, and 15, above, which are incorporated by reference.

21 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

22 **(Act If Done By Licentiate – Violation of Drug Laws)**

23 18. Respondent's application for a Pharmacy Technician Registration is subject to
24 denial under Code section 480, subdivision (a)(3)(A) in that on August 23, 2001, August 1, 2003,
25 and January 19, 2004, Respondent violated statutes of the State of California regulating
26 controlled substances and dangerous drugs, including Health and Safety Code sections 11377,
27 subdivision (a) and 11550, subdivision (a), as detailed in paragraphs 12 through 14, above.
28

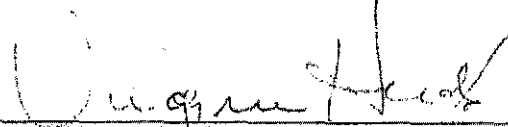
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. Denying the application of Erica Johnson for a Pharmacy Technician Registration; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 11/4/15


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

SD2015801462
81171971.docx