

STATE OF NORTH CAROLINA
NORTH CAROLINA BOARD OF PHARMACY

IN THE MATTER OF)
)
TASHUA GRANT) **FINAL ORDER**
Technician Registration Number 10322)

THIS MATTER came on to be heard before the North Carolina Board of Pharmacy (the "Board") on February 21, 2012, pursuant to a Notice of Hearing, dated January 18, 2012, and was heard by Board President Betty H. Dennis and Board Members Rebecca W. Chater, Dr. J. Parker Chesson, Jr., E. Lazelle Marks, Robert McLaughlin, Jr. and Gene Minton at the offices of the North Carolina Board of Pharmacy. Board staff was represented by Rebecca L. Cage and Clinton R. Pinyan. Ms. Grant was also in attendance. The Board heard testimony from Ms. Grant without objection. The Board further received evidence offered without objection by the Board staff, which included a transcript of the deposition testimony of Sergeant Perry J. DiRosa and a written submission by Ms. Grant. Considering the testimony and evidence, the Board hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. This matter came on for hearing pursuant to the Notice of Hearing, dated January 18, 2012. Technician Tashua Grant received all required notice of this hearing, as evidenced by her testimony at the hearing.
2. From January 20, 2004 through December 31, 2010, Tashua Grant held technician registration number 10322 from the Board.
3. The Board has received and considered a transcript of the deposition testimony of Sergeant Perry J. DiRosa. The Board finds and concludes that Ms. Grant had reasonable notice of the deposition of Sergeant DiRosa, that Ms. Grant attended the deposition, and that Sergeant

DiRosa was unavailable to testify and, consequently, the deposition transcript is admissible under North Carolina Rule of Civil Procedure 32(a)(4) because, inter alia, Sergeant DiRosa was at a greater distance than 100 miles from the place of the hearing and his absence was not procured by the party offering the deposition.

4. In and before November 2010, Ms. Grant's boyfriend was engaged in unlawfully manufacturing marijuana, a schedule VI controlled substance, in their home in Wilmington, North Carolina.

5. On or before November 4, 2010, the New Hanover County Sheriff's Office received a complaint that Ms. Grant's boyfriend was a convicted felon who unlawfully possessed a firearm in the home. Upon obtaining a search warrant, on November 4, 2010, Sergeant Perry J. DiRosa and other officers with the Sheriff's Office searched the home. Deputies found approximately 4,594 grams of marijuana being grown in the home. In addition, deputies found suboxone, a schedule III controlled substance, for which neither Ms. Grant nor her boyfriend had a valid prescription.

6. Officer DiRosa testified that his investigation revealed that Ms. Grant lived at the home with the knowledge that marijuana was being grown there. In addition, marijuana seeds had been mailed to Ms. Grant at the home.

7. In a letter to the Board, and in her testimony during the hearing, Ms. Grant admitted that she knew that marijuana was being grown in her home while she lived there, but stated that the manufacturing was solely the result of her boyfriend's activities.

8. The Board finds and concludes, however, that Ms. Grant knew that marijuana was being grown in her home and that Ms. Grant continued to reside at the home with such

knowledge, and that the mailing of the marijuana seeds to Ms. Grant evidences some participation in the manufacturing.

9. Ms. Grant's license expired on December 31, 2010 and was not renewed.

CONCLUSIONS OF LAW

1 The evidence demonstrates that Ms. Grant violated one or more of the following statutes and rules:

- b. North Carolina General Statutes § 90-85.15A(d)(5);
- c. North Carolina General Statutes § 90-85.40(f);
- d. North Carolina General Statutes § 90-95(a), (d);
- e. North Carolina General Statutes § 90-106;
- f. North Carolina General Statutes § 90-108(a)(7); and
- g. North Carolina General Statutes § 90-113.22.

2. Considering all of the facts and circumstances of this matter, the Board finds and concludes that the discipline set forth in this Final Order is appropriate pursuant to N.C. Gen. Stat. § 90-85.15A(d)(5).

WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that Ms. Grant's request that her technician registration be reinstated is hereby DENIED, and

It is further hereby ORDERED, ADJUDGED AND DECREED that Board staff's request for discipline is hereby GRANTED, and Ms. Grant's technician registration is hereby permanently REVOKED. The Board incorporates herein by reference its Reapplication and Reinstatement Policy, except that Ms. Grant may not petition for reinstatement or to have the revocation lifted until no sooner than five years after the date of this order, at the earliest. It is

presumed that the revocation shall be permanent, and the ability to petition to lift the revocation does not indicate that the Board will grant any such petition.

As a result of this discipline, Ms. Grant may not be present in a pharmacy, except as a customer with a valid prescription.

This, the 21st day of February, 2012.

NORTH CAROLINA BOARD OF PHARMACY

By: _____


Jack W. Campbell, IV
Executive Director

CERTIFICATE OF SERVICE

I certify that on February 29, 2012, I caused a copy of this Final Order to be served on Tashua Grant by certified mail, return receipt requested:



Jack W. Campbell IV
Executive Director