

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

In the Matter of the Accusation Against:

Case No. 3144

MICHAEL MICHMALI
1840 Woodview Ct
Ceres, CA 95357

Original Pharmacy Technician
Registration No. TCH 61671

Respondent.

DECISION AND ORDER

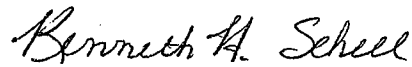
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on January 28, 2010.

It is so ORDERED on December 29, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM
Deputy Attorney General
4 State Bar No. 214663
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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. 3144

11 **MICHAEL MICHMALI**
12 **1840 Woodview Ct.**
13 **Ceres, CA 05357**

OAH No. 2009071062

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 **Pharmacy Technician License No. TCH 61671**

15 Respondent.

16
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public
18 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs
19 the parties hereby agree to the following Stipulated Surrender of License and Order which will be
20 submitted to the Board for approval and adoption as the final disposition of the Accusation.

21
22 PARTIES

- 23 1. Virginia Herold (Complainant), Executive Officer of the Board of Pharmacy, brought
24 this action solely in her official capacity and is represented in this matter by Edmund G. Brown
25 Jr., Attorney General of the State of California, by Joshua A. Room, Deputy Attorney General.
26 2. Michael Michmali (Respondent) is representing himself in this proceeding and has
27 chosen not to exercise his right to be represented by counsel.

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1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 3144, agrees that cause exists for discipline, and hereby surrenders his Pharmacy Technician
4 License No. TCH 61671 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation he enables the Board to issue
6 an order accepting the surrender of his Pharmacy Technician License without further process.

7
8 RESERVATION

9 10. The admissions made by Respondent herein are only for purposes of this proceeding,
10 or any other proceedings in which the Board of Pharmacy or other professional licensing agency
11 is involved, and shall not be admissible in any other criminal or civil proceeding.

12
13 CONTINGENCY

14 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
15 understands and agrees that counsel for Complainant and the staff of the Board may communicate
16 directly with the Board regarding this stipulation and surrender, without notice to or participation
17 by Respondent. By signing the stipulation, Respondent understands and agrees that he may not
18 withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers
19 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the
20 Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
21 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
22 be disqualified from further action by having considered this matter.

23 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of
24 License and Order, including facsimile signatures thereto, shall have the same force and effect as
25 the originals.

26 13. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Board may, without further notice or formal proceeding, issue and enter the following Order:

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ORDER

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 61671, issued to Respondent Michael Michmali, is surrendered and accepted by the Board of Pharmacy.

14. The surrender of Respondent's Pharmacy Technician License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

15. Respondent shall lose all rights and privileges as a Pharmacy Technician in California as of the effective date of the Board's Decision and Order.

16. Respondent shall cause to be delivered to the Board both his wall license certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.

17. Respondent may not apply, reapply, or petition for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

18. Respondent understands and agrees that if he ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 3144 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

19. Should Respondent ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation No. 3144 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

20. Respondent shall pay the Board its costs of investigation and enforcement in the amount of \$9,430.50 prior to issuance of a new or reinstated license.


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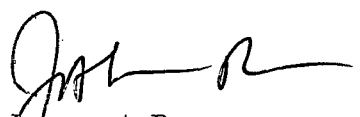
ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 11/3/2009 
MICHAEL MICHMALI
Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 11/3/2009 Respectfully Submitted,
EDMUND G. BROWN JR.
Attorney General of California
FRANK H. PACOE
Supervising Deputy Attorney General

JOSHUA A. ROOM
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 3144

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
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5 Telephone: (415) 703-1299
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11 In the Matter of the Accusation Against:

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12 MICHAEL MICHMALI
1840 Woodview Ct
13 Ceres, CA 95357

ACCUSATION

14 Pharmacy Technician License No. TCH 61671

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about March 24, 2005, the Board of Pharmacy issued Pharmacy
22 Technician License Number TCH 61671 to Michael Michmali (Respondent). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein.
24 It will expire on December 31, 2010, unless renewed.

25 JURISDICTION

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

1 4. Section 4011 of the Code provides that the Board shall administer and
2 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled
3 Substances Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board
5 may be suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension,
7 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to
8 proceed with a disciplinary action during the period within which the license may be renewed,
9 restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license
10 that is not renewed within three years following its expiration may not be renewed, restored, or
11 reinstated and shall be canceled by operation of law at the end of the three-year period. Section
12 4402(e) of the Code provides that any other license issued by the Board may be canceled by the
13 Board if not renewed within 60 days after its expiration, and any license canceled in this fashion
14 may not be reissued but will instead require a new application to seek reissuance.

15 STATUTORY PROVISIONS

16 7. Section 4301 of the Code provides, in pertinent part, that the Board shall
17 take action against any holder of a license who is guilty of “unprofessional conduct,” defined to
18 include, but not be limited to, any of the following:

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

22 (g) Knowingly making or signing any certificate or other document that falsely
23 represents the existence or nonexistence of a state of facts.

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

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

3 (l) The conviction of a crime substantially related to the qualifications, functions,
4 and duties of a licensee under this chapter.

5 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
6 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
7 applicable federal and state laws and regulations governing pharmacy, including regulations
8 established by the board or by any other state or federal regulatory agency.

9 8. Section 490 of the Code provides, in pertinent part, that the Board may
10 suspend or revoke a license when it finds that the licensee has been convicted of a crime
11 substantially related to the qualifications, functions or duties of the license.

12 9. California Code of Regulations, title 16, section 1770, states:

13 "For the purpose of denial, suspension, or revocation of a personal or facility
14 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
15 Code, a crime or act shall be considered substantially related to the qualifications, functions or
16 duties of a licensee or registrant if to a substantial degree it evidences present or potential
17 unfitness of a licensee or registrant to perform the functions authorized by his license or
18 registration in a manner consistent with the public health, safety, or welfare."

19 10. Section 4059 of the Code, in pertinent part, prohibits furnishing of any
20 dangerous drug or dangerous device except upon the prescription of an authorized prescriber.

21 11. Section 4060 of the Code provides, in pertinent part, that no person shall possess
22 any controlled substance, except that furnished upon a valid prescription/drug order.

23 12. Section 4324 of the Code, in pertinent part, makes it unlawful for a person
24 to falsely make, alter, forge, utter, publish, pass, or attempt to pass, as genuine, a prescription for a
25 drug, or to have in his or her possession a drug secured by a forged prescription.

26 13. Health and Safety Code section 11150 provides, in pertinent part, that no
27 person other than an authorized prescriber shall write or issue a prescription.

28 ///

1 14. Health and Safety Code section 11157 provides that no person shall issue a
2 prescription that is false or fictitious in any respect.

3 15. Health and Safety Code section 11170 provides that no person shall
4 prescribe, administer, or furnish a controlled substance for himself or herself.

5 16. Health and Safety Code section 11173, subdivision (a), provides that no
6 person shall obtain or attempt to obtain controlled substances, or procure or attempt to procure the
7 administration of or prescription for controlled substances, (1) by fraud, deceit, misrepresentation,
8 or subterfuge; or (2) by the concealment of a material fact.

9 17. Health and Safety Code section 11175 makes it unlawful for any person to
10 obtain or possess a prescription that does not comply with the Uniform Controlled Substances Act
11 [Health & Safety Code, § 11000 *et seq.*], to obtain a controlled substance by means of such non-
12 compliant prescription, or to possess a controlled substance obtained by such a prescription.

13 18. Health and Safety Code section 11350, in pertinent part, makes it unlawful
14 to possess any controlled substance listed in Schedule II (Health and Safety Code section 11055),
15 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

16 19. Health and Safety Code section 11351, in pertinent part, makes it unlawful
17 to possess or purchase for sale, *inter alia*, any narcotic drug in Schedules III-V.

18 20. Health and Safety Code section 11368, in pertinent part, makes it unlawful
19 to forge or alter a prescription, to issue or utter an altered prescription, to issue or utter a
20 prescription bearing a forged or fictitious signature for any narcotic drug, to obtain a narcotic drug
21 by any forged, fictitious, or altered prescription, or to possess any narcotic drug secured by a
22 forged, fictitious, or altered prescription.

23 21. Health and Safety Code section 11550, in pertinent part, makes it unlawful
24 for any person to use or be under the influence of, *inter alia*, any narcotic drug in Schedules III-V,
25 except when administered by or under the direction of an authorized licensee.

26 22. Section 125.3 of the Code provides, in pertinent part, that the Board may
27 request the administrative law judge to direct a licensee found to have committed a violation of
28 the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

1 a. On or about April 25, 2007, Respondent called in a prescription transfer of
2 150 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**) for patient O.B.¹ from the RX
3 Unlimited Pharmacy to a Walgreens Pharmacy, and then picked up the prescription;

4 b. On or about May 1, 2007, Respondent called in a prescription transfer of
5 150 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**) for patient M.O. from the RX
6 Unlimited Pharmacy to a Walgreens Pharmacy, and then picked up the prescription;

7 c. On or about May 1, 2007, Respondent called in a prescription transfer of
8 150 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**) for patient A.M. from the RX
9 Unlimited Pharmacy to a Walgreens Pharmacy, and then picked up the prescription;

10 d. On or about May 4, 2007, Respondent called in a prescription transfer of
11 150 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**) for patient D.H. from the RX
12 Unlimited Pharmacy to a Walgreens Pharmacy, and then picked up the prescription;

13 e. On or about May 10, 2007, Respondent called in a prescription transfer of
14 150 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**) for patient M.S. from the RX
15 Unlimited Pharmacy to a Walgreens Pharmacy, and then picked up the prescription; and

16 f. On or about May 10, 2007, Respondent called in a prescription transfer of
17 50 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**) for patient L.V. from the RX
18 Unlimited Pharmacy to a Walgreens Pharmacy, and then attempted to pick up the prescription.

19 28. On or about May 10, 2007, Respondent was arrested by the San Francisco
20 Police as he attempted to pick up the prescription for patient L.V. Respondent was found to be in
21 possession of items including: eight (8) empty pill bottles with labels and patient names other
22 than Respondent's; six (6) Walgreens Personal Prescription Information Sheets for patients O.B.,
23 M.O., A.M., D.H., M.S., and L.V.; five (5) Walgreens receipts for prescriptions, all for purchases
24 of **Hydrocodone with APAP** (10/325, generic **Norco**); one (1) completed telephone prescription
25 form in the name of patient O.B., written on RX Unlimited letterhead; one (1) bottle containing
26 151 tablets of **Hydrocodone with APAP** (10/325, generic **Norco**); one (1) bottle containing 45
27 tablets of **Hydrocodone with APAP** (5/500, generic **Vicodin**); one (1) tablet of **Hydrocodone**
28 **with APAP** (10/500, generic **Lortab**); and one (1) bottle of prescription cough syrup.

1 29. During interview(s) with San Francisco Police, Respondent admitted to an
2 addiction to **Hydrocodone with APAP** products, including **Norco**, **Vicodin**, and their generics.
3 He further admitted to calling in fraudulent transfer prescriptions and then picking them up, as
4 described in paragraph 26 above. He admitted to consuming the controlled substances acquired in
5 this manner, except for approximately thirty (30) tablets furnished to Respondent's friends.

6 30. Based on the conduct described in paragraphs 26 to 29 above, on or about
7 October 1, 2007, in a criminal case titled *People v. Michael Michmali*, Case No. 2335766 in San
8 Francisco County Superior Court, Respondent was charged with twelve (12) felonies: five (5)
9 counts of violating Penal Code section 459 (Burglary - Commercial, 2nd Degree); six (6) counts of
10 violating Health and Safety Code section 11368 (Generating and/or Using Forged or Altered
11 Prescriptions for Controlled Substances); and one (1) count of violating Health and Safety Code
12 section 11351 (Possession or Purchase for Sale of Controlled Substances).

13 31. On a date sometime between on or about March 24, 2008 and on or about
14 April 4, 2008, Respondent was employed for one day as a pharmacy technician at Reliable Drug
15 pharmacy (PHY 46431) in San Francisco, CA. Respondent was terminated the same day.

16 32. On or about April 4, 2008, Respondent returned to Reliable Drug, walked in
17 and out of the pharmacy area, and attempted to leave with a large bottle containing tablets of a
18 **Hydrocodone with APAP** product (**Vicodin** or its generic). He was apprehended by the staff of
19 the pharmacy, and was subsequently apprehended and arrested by the San Francisco Police.

20 33. Based on the conduct described in paragraphs 31 to 32 above, on or about
21 April 10, 2008, in a criminal case titled *People v. Michael Michmali*, Case No. 2362682 in San
22 Francisco County Superior Court, Respondent was charged with two (2) felonies: one (1) count of
23 violating Penal Code section 459 (Burglary - Commercial, 2nd Degree); and one (1) count of
24 violating Penal Code section 496(a) (Receiving or Buying Stolen Property - **Hydrocodone**). In
25 addition, pursuant to Penal Code section 12022.1, each count contained an additional allegation
26 that the felony was committed while he was on a release from custody in a felony offense.

27 34. On or about May 21, 2008, a Protective Order in Criminal Proceeding was
28 issued in Case No. 2362682 ordering Respondent to stay 150 yards away from Reliable Drug.

1 35. On or about August 25, 2008, a District Attorney motion to consolidate
2 Case Nos. 2335766 and 2362682 for purposes of pre-trial and trial was granted.

3 36. On or about October 2, 2008, Defendant pleaded guilty to one (1) count of
4 violating Health and Safety Code section 11351 (Possession or Purchase for Sale of Controlled
5 Substances), a felony (from Case No. 2335766), and one (1) count of violating Penal Code section
6 459 (Burglary - Commercial, 2nd Degree), a felony (from Case No. 2362682). All of the
7 remaining counts from the consolidated case(s) were dismissed pursuant to the plea.

8 37. On or about November 10, 2008, the Superior Court ordered imposition of
9 sentence suspended, in favor of a period of probation of 3 years, terms and conditions to include:
10 one (1) year in County Jail, with credit for 2 days served, and with the balance of time permitted
11 to be served in the Puente House residential (drug) treatment program; search conditions; fines,
12 fees, and costs, and continuance of the previously-issued stay-away order for Reliable Drug.

13
14 FIRST CAUSE FOR DISCIPLINE

15 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

16 38. Respondent is subject to discipline under section 4301(f) of the Code in that
17 Respondent, as described in paragraphs 26 to 29 and 32 above, committed numerous acts
18 involving moral turpitude, dishonesty, fraud, deceit, or corruption.

19 SECOND CAUSE FOR DISCIPLINE

20 (Creation/Signature of False Documents)

21 39. Respondent is subject to discipline under section 4301(g) of the Code in
22 that Respondent, as described in paragraphs 26 to 29 above, created and/or signed documents that
23 falsely represented the existence or nonexistence of a state of facts.

24 THIRD CAUSE FOR DISCIPLINE

25 (Self-Administration of Controlled Substance)

26 40. Respondent is subject to discipline under section 4301(h) of the Code, in
27 that Respondent, as described in paragraphs 26 to 29 above, administered one or more controlled
28 substances to himself, including Hydrocodone with APAP products.

1 FOURTH CAUSE FOR DISCIPLINE

2 (Conviction of Substantially Related Crime(s))

3 41. Respondent is subject to discipline under section 4301(l) and/or section 490
4 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the
5 conviction of substantially related crime(s), in that as described in paragraphs 30 and 33 to 37
6 above, on or about October 2 and/or November 10, 2008, in a criminal case titled *People v.*
7 *Michael Michmali*, Case Nos. 2335766 and 2362682 (consolidated) in San Francisco County
8 Superior Court, Respondent was convicted of one (1) count of violating Health and Safety Code
9 section 11351 (Possession or Purchase for Sale of Controlled Substances), a felony, and one (1)
10 count of violating Penal Code section 459 (Burglary - Commercial, 2nd Degree), a felony.

11 FIFTH CAUSE FOR DISCIPLINE

12 (Furnishing of Controlled Substance)

13 42. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
14 section 4059 of the Code in that Respondent, as described in paragraphs 26 to 29 and 32 above,
15 furnished to himself or another without a valid prescription, and/or conspired to furnish, and/or
16 assisted or abetted furnishing of, a controlled substance.

17 SIXTH CAUSE FOR DISCIPLINE

18 (Possession of Controlled Substance)

19 43. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
20 section 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as
21 described in paragraphs 26 to 29 and 32 above, possessed, conspired to possess, and/or assisted in
22 or abetted possession of, a controlled substance, without a prescription.

23 SEVENTH CAUSE FOR DISCIPLINE

24 (Self-Administration/Use of Controlled Substance)

25 44. Respondent is subject to discipline under section 4301(j) and/or (o) of the
26 Code, and/or Health and Safety Code section(s) 11170 and/or 11550, in that Respondent, as
27 described in paragraphs 26 to 29 above, self-administered/used, conspired to self-administer/use,
28 and/or assisted in/abetted self-administration/use, of a controlled substance, without prescription.

1 EIGHTH CAUSE FOR DISCIPLINE

2 (Obtaining Controlled Substance by Fraud, Deceit or Subterfuge)

3 45. Respondent is subject to discipline under section 4301(j) and/or (o) of the
4 Code, and/or Health and Safety Code section 11173(a), in that Respondent, as described in
5 paragraphs 26 to 29 and 32 above, obtained, conspired to obtain, and/or assisted in or abetted the
6 obtaining of a controlled substance, by fraud, deceit, subterfuge, or concealment of material fact.

7 NINTH CAUSE FOR DISCIPLINE

8 (Making, Uttering and/or Using False or Forged Prescriptions)

9 46. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
10 section 4324 of the Code, and/or Health and Safety Code section(s) 11157 and/or 11368, in that
11 Respondent, as described in paragraphs 26 to 29 above, falsely made, altered, forged, uttered,
12 published, passed, or attempted to pass, a false, forged, fictitious or altered prescription for a
13 (narcotic) drug, had in his or her possession a (narcotic) drug secured by a false, forged, fictitious
14 or altered prescription, or conspired and/or assisted in or abetted any of these acts.

15 TENTH CAUSE FOR DISCIPLINE

16 (Issuance and/or Use of Invalid Prescription(s))

17 47. Respondent is subject to discipline under section 4301(j) and/or (o) of the
18 Code, and/or Health and Safety Code section(s) 11150 and/or 11175, in that Respondent, as
19 described in paragraphs 26 to 29 above, issued prescriptions without authority to do so, obtained
20 or possessed an invalid prescription, obtained or possessed a controlled substance by means of
21 such invalid prescription, or conspired and/or assisted in or abetted any of these acts.

22 ELEVENTH CAUSE FOR DISCIPLINE

23 (Possession or Purchase of Controlled Substance for Sale)

24 48. Respondent is subject to discipline under section 4301(j) and/or (o) of the
25 Code, and/or Health and Safety Code section(s) 11351, in that Respondent, as described in
26 paragraphs 26 to 29 and 32 above, possessed or purchased a narcotic drug for sale, or conspired
27 and/or assisted in or abetted such possession or purchase for sale.

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1 TWELFTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

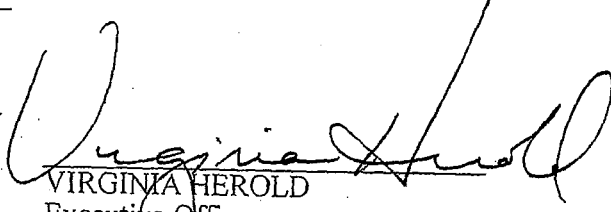
3 49. Respondent is subject to discipline under section 4301 of the Code in that
4 Respondent, as described in paragraphs 26 to 48 above, engaged in unprofessional conduct.

5
6 PRAYER

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

- 9 A. Revoking or suspending Pharmacy Technician License Number TCH
10 61671, issued to Michael Michmali (Respondent);
- 11 B. Ordering Respondent to pay the Board reasonable costs of investigation and
12 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 13 C. Taking such other and further action as deemed necessary and proper.

14 DATED: 3/25/09

15
16 
17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant

22 SF2008401256

23 20177390.wpd