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

In the Matter of the Accusation Against:
MARKEENA CASSEEN TULLIS
2674 Mira Court
Merced, CA 95341
Pharmacy Technician Registration No. TCH
82933

Respondent.

Case No. 4367
DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about November 8, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4367 against Markeena Casseen Tullis (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 3, 2009, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 82933 to Respondent. The registration will expire on October 31, 2014, unless renewed.

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1 3. On or about November 27, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 4367, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is: 2674 Mira Court, Merced, CA 95341.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. Government Code section 11506 states, in pertinent part:

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

16 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4367.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on
27 file at the Board's offices regarding the allegations contained in Accusation No. 4367, finds that
28 the charges and allegations in Accusation No. 4367, are separately and severally, found to be true
and correct by clear and convincing evidence.

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:
12 **MARKEENA CASSEEN TULLIS**
2674 Mira Court
13 Merced, CA 95341
14 Pharmacy Technician Registration No. TCH
82933
15 Respondent.

Case No. 4367

ACCUSATION

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 June 3, 2009, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 82933 to Markeena Casseen Tullis (Respondent). The Registration
24 will expire on October 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 4301 of the Code states, in pertinent part:

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

5

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

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

11

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

28 indictment.

1
2 5. Section 118, subdivision (b), of the Code provides that the expiration of a license
3 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 **COST RECOVERY**

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

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Criminal Conviction)**

12 7. Respondent is subject to disciplinary action under section 4301, subdivision (l) in that
13 she was convicted of a crime substantially related to the qualifications, functions, and duties of a
14 licensee. The circumstances are as follows:

15 8. On or about July 28, 2010, in a criminal proceeding entitled *People v. Markeena*
16 *Casseen Tullis* in Stanislaus County Superior Court, Case Number TPD 10-5605. Respondent
17 was convicted on her plea of nolo contendere of a misdemeanor violation of Penal Code section
18 487(a) (grand theft). The circumstances are that on or about June 29, 2010, Respondent and
19 another female were observed in a Target store concealing numerous items of merchandise inside
20 a large storage tote container. The women placed the storage tote with the concealed items in a
21 shopping cart and left the store without paying for the items.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

24 9. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
25 that she committed an act of moral turpitude, dishonesty, fraud, deceit, or corruption as set forth
26 in paragraph 8, and herein incorporated by reference.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Knowingly Making a Document that Falsely Represents the Nonexistence of a State of
3 Facts)

4 10. Respondent is subject to disciplinary action under section 4301, subdivision (g) in
5 that she knowingly made a document that falsely represented the nonexistence of a state of facts.
6 The circumstances are as follows:

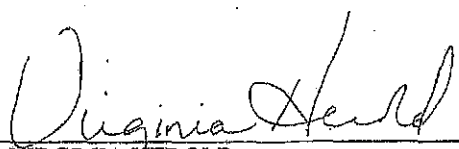
7 11. On or about December 11, 2010, Respondent completed a pharmacy technician
8 renewal application and marked "No" in response to the question of whether she had been
9 convicted of a crime since she last renewed her license. As set forth in paragraph 8, and herein
10 incorporated by reference, Respondent was convicted of a misdemeanor violation of 487(a) on or
11 about July 28, 2010.

12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician Registration Number TCH 82933,
16 issued to Markeena Casseen Tullis
- 17 2. Ordering Markeena Casseen Tullis to pay the Board of Pharmacy the reasonable costs
18 of the investigation and enforcement of this case, pursuant to Business and Professions Code
19 section 125.3;
- 20 3. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 11/8/12


24 VIRGINIA HEROLD
25 Executive Officer
26 Board of Pharmacy
27 Department of Consumer Affairs
28 State of California
Complainant

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