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

11 In the Matter of the Accusation Against:

Case No. 4367

12 **MARKEENA CASSEEN TULLIS**
13 **2674 Mira Court**
Merced, CA 95341

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **82933**

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 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.

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

COST RECOVERY

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

FIRST CAUSE FOR DISCIPLINE

(Criminal Conviction)

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

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

SECOND CAUSE FOR DISCIPLINE

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

9. Respondent is subject to disciplinary action under section 4301, subdivision (f), in that she committed an act of moral turpitude, dishonesty, fraud, deceit, or corruption as set forth 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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