

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5271

13 **REBECCA MURILLO**  
14 **32076 Meadow Wood Lane**  
**Lake Elsinore, CA 92704**

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH 3695**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
22 2. On January 26, 1993, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 3695 to Rebecca Murillo (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on October 31, 2014, unless renewed.

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1 diversion program operated by any agency established under Division 2  
2 (commencing with Section 500) of this code, or any initiative act referred to in  
3 that division.

4 9. Section 4301 of the Code states:

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

9 . . . .

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

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

15 . . . .

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

. . . .

### REGULATORY PROVISIONS

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

. . . .

(b) When considering the suspension or revocation of a facility or a  
personal license on the ground that the licensee or the registrant has been

1 convicted of a crime, the board, in evaluating the rehabilitation of such person and  
2 his present eligibility for a license will consider the following criteria:

- 3 (1) Nature and severity of the act(s) or offense(s).
- 4 (2) Total criminal record.
- 5 (3) The time that has elapsed since commission of the act(s) or  
6 offense(s).
- 7 (4) Whether the licensee has complied with all terms of parole,  
8 probation, restitution or any other sanctions lawfully imposed against the licensee.
- 9 (5) Evidence, if any, of rehabilitation submitted by the licensee.

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

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

#### 18 **COST RECOVERY**

19 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
20 the administrative law judge to direct a licentiate found to have committed a violation or  
21 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
22 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
23 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
24 may be included in a stipulated settlement.

#### 25 **FIRST CAUSE FOR DISCIPLINE**

26 **(March 9, 2014 Conviction for Grand Theft on January 11, 2008)**

27 13. Respondent has subjected her registration to discipline under Code sections 490  
28 and 4301, subdivision (l) in that Respondent was convicted of a crime that is substantially related  
to the qualifications, functions, and duties of a registered pharmacy technician. The circumstances  
are as follows:

a. On March 9, 2014, in a criminal proceeding entitled *The People of the  
State of California vs. Rebecca Murillo*, in Riverside County Superior Court, Larson Justice

1 Center, Criminal Division Case Number RIF1302564, Respondent was convicted on her plea of  
2 guilty to violating Penal Code (PC) section 487, subdivision (a), grand theft, a misdemeanor.  
3 Felony charges for two counts of violation of PC section 115, procuring and offering false and  
4 forged instruments, were dismissed, and the allegation that in the commission of grand theft  
5 Respondent took, damaged, and destroyed property of a value exceeding \$65,000.00 under PC  
6 section 12022.6, subdivision (a)(1), was stricken, pursuant to a plea bargain.

7 b. As a result of the conviction, on March 9, 2014, Respondent was  
8 sentenced to be committed to the custody of the Riverside County Sheriff for 30 days, with credit  
9 for 16 days actually served and 16 days for good behavior, and granted 36 months summary  
10 probation under drug, search, and test program terms. Respondent was ordered to pay fees, fines,  
11 assessments, and victim restitution. Respondent was also ordered to surrender her notary  
12 commission and not have any induement, association, or employment related to real estate or  
13 notary public.

14 c. The facts that led to the conviction are that on or about January 11, 2008,  
15 Respondent and her associate, R.L.O., created and offered a false and forged grant deed and deed  
16 of trust, which were registered in Riverside County, California. Respondent, using her notary  
17 commission, notarized the documents in the absence of the victim, M.A., a listed party to both  
18 the grant deed and the deed of trust. As a result, Respondent and her associate defrauded money  
19 from a bank in the amount of \$99,000.00.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Unprofessional Conduct - Commission of Any Act Involving Moral Turpitude, Dishonesty,  
22 Fraud, Deceit, or Corruption)**

23 14. Respondent has subjected her registration to discipline under Code section 4301,  
24 subdivision (f), in that she committed acts involving moral turpitude, dishonesty, fraud, deceit,  
25 and corruption when she stole \$99,000.00 from a bank by fraudulently notarizing a grant deed  
26 and deed of trust, as described in paragraph 13, above, and incorporated herein by this reference.

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**THIRD CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct - Signing Any Certificate that Falsely Represented the Existence of a State of Facts)**

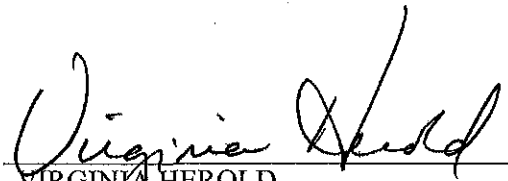
15. Respondent has subjected her registration to discipline under Code section 4301, subdivision (g), in that she committed acts involving signing of documents that falsely represented the existence of a state of facts when she fraudulently notarized a grant deed and a deed of trust when a party who was required by law to sign them in her presence was absent, as described in paragraph 13, above, and incorporated herein by this reference.

**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. Revoking or suspending Pharmacy Technician Registration Number TCH 3695, issued to Rebecca Murillo;
- 2. Ordering Rebecca Murillo to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: 11/10/14

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

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