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

In the Matter of the Accusation Against:
MARQUECE J. ION BECK-NATSON
1201 Nellis Court
Pittsburg, CA 94565
Pharmacy Technician Registration No. TCH
122378

Respondent.

Case No. 5437

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about May 28, 2015, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 5437 against Markece J. Ion Beck-Natson (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about April 5, 2012, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 122378 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 5437 and will expire on February 29, 2016, unless renewed.

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1 3. On or about July 10, 2015, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 5437, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
5 is required to be reported and maintained with the Board. Respondent's address of record was
6 and is:

7 1201 Nellis Court
8 Pittsburg, CA 94565.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. On or about July 31, 2015, the aforementioned documents were returned by the U.S.
13 Postal Service marked "Unclaimed." The address on the documents was the same as the address
14 on file with the Board. Respondent failed to maintain an updated address with the Board and the
15 Board has made attempts to serve the Respondent at the address on file. Respondent has not
16 made himself available for service and therefore, has not availed himself of his right to file a
17 notice of defense and appear at hearing.

18 6. Government Code section 11506 states, in pertinent part:

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

24 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
25 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
26 5437.

27 8. California Government Code section 11520 states, in pertinent part:

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

1 9. Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on the
3 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
4 taking official notice of all the investigatory reports, exhibits and statements contained therein on
5 file at the Board's offices regarding the allegations contained in Accusation No. 5437, finds that
6 the charges and allegations in Accusation No. 5437, are separately and severally, found to be true
7 and correct by clear and convincing evidence.

8 10. Taking official notice of its own internal records, pursuant to Business and
9 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
10 and Enforcement is \$1,915.50 as of August 11, 2015.

11 DETERMINATION OF ISSUES

12 1. Based on the foregoing findings of fact, Respondent Markece J. Ion Beck-Natson
13 has subjected his Pharmacy Technician Registration No. TCH 122378 to discipline.

14 2. The agency has jurisdiction to adjudicate this case by default.

15 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
16 Registration based upon the following violations alleged in the Accusation which are supported
17 by the evidence contained in the Default Decision Evidence Packet in this case.:

18 a. Respondent is subject to disciplinary action under section 4301, subsection (l), of the
19 Code in that Respondent was convicted of a crime that is substantially related to the duties,
20 functions, or qualifications of a pharmacy technician. On or about November 20, 2014, in a
21 matter entitled People of the State of California v. Markece Jion Becknatson, Alameda County
22 Superior Court case No. 252334, Respondent was convicted of violating Vehicle Code 2800.2, a
23 felony. On or about January 28, 2014, Respondent drove with willful or wanton disregard for
24 safety of persons or property while fleeing from pursuing police officer.

25 b. Respondent is subject to disciplinary action under section 4301 of the code in that
26 Respondent was involved in unprofessional conduct. The circumstances are described in
27 paragraph 3(a), above.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 122378, heretofore issued to Respondent Marqueece J. Ion Beck-Natson, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on October 16, 2015.

It is so ORDERED September 16, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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DOJ Matter ID:SF2015401371

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(MARQUECE J. ION BECK-NATSON)

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2 FRANK H. PACOE
Supervising Deputy Attorney General
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Deputy Attorney General
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5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 5437

11 **MARQUECE J. ION BECK-NATSON**
12 **aka MARQUECE JION BECK-NATSON**
13 **aka MARQUECE JION BECK**
14 **1201 Nellis Court**
Pittsburg, CA 94565

A C C U S A T I O N

15 **Pharmacy Technician Registration No. TCH**
122378

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 April 5, 2012, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 122378 to Marquece J. Ion Beck-Natson aka Marquece Jion Beck-
24 Natson aka Marquece Jion Beck (Respondent). The Pharmacy Technician Registration was in
25 full force and effect at all times relevant to the charges brought herein and will expire on February
26 29, 2016, unless renewed.

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JURISDICTION

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

4. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

..."

5. Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

STATUTORY AND REGULATORY PROVISIONS

6. Section 4301 of the Code states:

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

..."

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

18 7. California Code of Regulations, title 16, section 1770, states:

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

25 COSTS

26 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 FIRST CAUSE FOR DISCIPLINE

4 (Conviction)

5 9. Respondent is subject to disciplinary action under section 4301, subsection (l), of the
6 Code in that Respondent was convicted of a crime that is substantially related to the duties,
7 functions, or qualifications of a pharmacy technician. On or about November 20, 2014, in a
8 matter entitled *People of the State of California v. Markece Jion Becknatson*, Alameda County
9 Superior Court case No. 252334, Respondent was convicted of violating Vehicle Code 2800.2, a
10 felony. On or about January 28, 2014, Respondent drove with willful or wanton disregard for
11 safety of persons or property while fleeing from pursuing police officer.

12 SECOND CAUSE FOR DISCIPLINE

13 (Unprofessional Conduct)

14 10. Respondent is subject to disciplinary action under section 4301 of the code in that
15 Respondent was involved in unprofessional conduct. The circumstances are described in
16 paragraph 9, above.

17 PRAYER

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

20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 122378,
21 issued to Markece J. Ion Beck-Natson aka Markece Jion Beck-Natson aka Markece Jion Beck
22 (Respondent);

23 2. Ordering Respondent to pay the Board of Pharmacy the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3;

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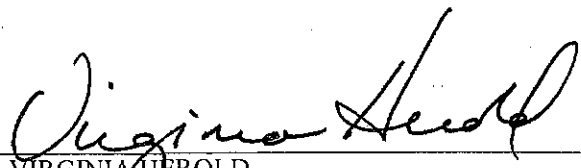
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3. Taking such other and further action as is deemed necessary and proper.

12:19 21 2015

DATED:

5/28/15



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

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