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

In the Matter of the Accusation Against:

KEVIN ALLEN MCGREW
2633 Tradition Way
Modesto, CA 95355

**Pharmacy Technician License No.
TCH 96717**

Respondent.

Case No. 7685

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about December 12, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 7685 against Kevin Allen McGrew (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)
2. On or about December 22, 2009, the Board issued Pharmacy Technician License No. TCH 96717 to Respondent. The Pharmacy Technician License expired on September 30, 2023, and has not been renewed.
3. On or about December 26, 2023, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7685, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of
4 record was and is:

5 2633 Tradition Way
6 Modesto, CA 95355

7 4. On or about February 5, 2024, Respondent was served by Certified and First Class
8 Mail copies of the foregoing documents at the following address associated with Respondent:

9 2637 Tradition Way
10 Modesto, CA 95355

11 5. On or about June 6, 2024, Respondent was served all of the same documents outlined
12 in the preceding paragraph at the forwarded address for Respondent which was:

13 4073 Highway 83
14 Tuscola, TX 79562-2199

15 6. Service of the Accusation was effective as a matter of law under the provisions of
16 Government Code section 11505(c) and/or Business and Professions Code section 124.

17 7. Government Code section 11506(c) states, in pertinent part:

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

23 8. The Board takes official notice of its records and the fact that Respondent failed to
24 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
25 waived his right to a hearing on the merits of Accusation No. 7685.

26 9. California Government Code section 11520(a) states, in pertinent part:

27 (a) If the respondent either fails to file a notice of defense . . . or to appear at
28 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


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1 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

2 This Decision shall become effective at 5:00 p.m. on September 3, 2025.

3 It is so ORDERED on August 4, 2025.

4 FOR THE BOARD OF PHARMACY
5 DEPARTMENT OF CONSUMER AFFAIRS
6 STATE OF CALIFORNIA

7
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9
10 By 

11 Seung W. Oh, Pharm.D.,
12 Board President

13 38239804.DOCX
14 DOJ Matter ID:SA2023305553

15 Attachment:
16 Exhibit A: Accusation

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Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 MALISSA N. SIEMANTEL
Deputy Attorney General
4 State Bar No. 240157
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7555
Facsimile: (916) 324-5567
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7685

13 **KEVIN ALLEN MCGREW**
14 2637 Tradition Way
Modesto, CA 95355

ACCUSATION

15 **Pharmacy Technician License No.**
16 **TCH 96717**

17 Respondent.

18
19 **PARTIES**

20 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

22 2. On or about December 22, 2009, the Board issued Pharmacy Technician License
23 Number TCH 96717 to Kevin Allen McGrew (Respondent). The Pharmacy Technician License
24 expired on September 30, 2023, and has not been renewed.

25 **JURISDICTION**

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

1 4. Code section 4300.1 states:

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

8 5. Code section 4300 states, in pertinent part:

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

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

13 (1) Suspending judgment.

14 (2) Placing him or her upon probation.

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

16 (4) Revoking his or her license.

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

19 ...

20 **STATUTORY PROVISIONS**

21 6. Code section 4301 states, in pertinent part:

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

25 ...

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

...

(l) The conviction of a crime substantially related to the qualifications,
functions, and duties of a licensee under this chapter. The record of conviction of a
violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
States Code regulating controlled substances or of a violation of the statutes of this
state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may

1 inquire into the circumstances surrounding the commission of the crime, in order to
2 fix the degree of discipline or, in the case of a conviction not involving controlled
3 substances or dangerous drugs, to determine if the conviction is of an offense
4 substantially related to the qualifications, functions, and duties of a licensee under this
5 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
6 contendere is deemed to be a conviction within the meaning of this provision. The
7 board may take action when the time for appeal has elapsed, or the judgment of
8 conviction has been affirmed on appeal or when an order granting probation is made
9 suspending the imposition of sentence, irrespective of a subsequent order under
10 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
11 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
12 dismissing the accusation, information, or indictment.

13 ...

14 7. Section 490 of the Code states:

15 (a) In addition to any other action that a board is permitted to take against a
16 licensee, a board may suspend or revoke a license on the ground that the licensee has
17 been convicted of a crime, if the crime is substantially related to the qualifications,
18 functions, or duties of the business or profession for which the license was issued.

19 (b) Notwithstanding any other provision of law, a board may exercise any
20 authority to discipline a licensee for conviction of a crime that is independent of the
21 authority granted under subdivision (a) only if the crime is substantially related to the
22 qualifications, functions, or duties of the business or profession for which the
23 licensee's license was issued.

24 (c) A conviction within the meaning of this section means a plea or verdict of
25 guilty or a conviction following a plea of nolo contendere. Any action that a board is
26 permitted to take following the establishment of a conviction may be taken when the
27 time for appeal has elapsed, or the judgment of conviction has been affirmed on
28 appeal, or when an order granting probation is made suspending the imposition of
sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
the Penal Code.

(d) The Legislature hereby finds and declares that the application of this section
has been made unclear by the holding in *Petropoulos v. Department of Real Estate*
(2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant
number of statutes and regulations in question, resulting in potential harm to the
consumers of California from licensees who have been convicted of crimes.
Therefore, the Legislature finds and declares that this section establishes an
independent basis for a board to impose discipline upon a licensee, and that the
amendments to this section made by Chapter 33 of the Statutes of 2008 do not
constitute a change to, but rather are declaratory of, existing law.

COST RECOVERY

8. Code section 125.3 provides, 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

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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 of a Crime)**

5 9. Respondent is subject to disciplinary action under Code sections 490 and 4301,
6 subdivision (l), in that on or about September 14, 2022, in the case of *People v. Kevin Allen*
7 *McGrew* (Super. Ct. Stanislaus County, Case No. CR-22-001816), Respondent was convicted on
8 his plea of nolo contendere to a violation of Penal Code section 245, subdivision (a)(4) (assault
9 with force likely to produce great bodily injury), a felony. Respondent was sentenced to 120 days
10 in county jail and placed on 2 years of probation. The circumstances of the crime are as follows:

11 On or about November 8, 2021, around 3:03 p.m., Respondent parked his vehicle in a private
12 business parking lot to pick his child up from school. D.M., a security guard, was on-duty to
13 make sure that parents from the school did not park in the private parking lot. D.M. observed
14 Respondent park his vehicle in the private parking lot, get out of his vehicle, and walk towards
15 the school. D.M. advised Respondent that he was not allowed to park in the private parking lot
16 and to move his vehicle. Respondent ignored D.M. and walked to the school. As Respondent
17 and a female juvenile got into Respondent's vehicle, D.M. pulled her marked security vehicle
18 behind Respondent's vehicle. Respondent got out of his vehicle and was yelling at D.M.
19 Respondent opened the driver's door to D.M.'s vehicle, pulled her out of the driver seat, and
20 threw her to the ground on her back. Respondent used his forearm to hold her down as he
21 punched her and banged her head into the concrete. D.M. attempted to fight back using her legs
22 and arms, and grabbed Respondent's testicles. Respondent became angrier and stated, "Bitch,
23 that's it. You're gonna get it now." The confrontation continued until Respondent got up and
24 returned to his vehicle. Respondent told a Modesto Police Department officer that he pulled
25 D.M. out of the car, so he could try to move the security car himself, and D.M. pushed the
26 driver's door open knocking his glasses off. Respondent stated D.M. attacked him, so he held her
27 down on the ground because he could not see and he tried to get away from her. Another
28 Modesto Police Department officer viewed surveillance video footage that showed Respondent

1 open the driver's side door of the security vehicle, reach into the vehicle, grab D.M., physically
2 remove D.M. from the vehicle, and throw her to the ground.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Commission of Acts Involving Moral Turpitude or Corruption)**

5 10. Respondent is subject to disciplinary action for unprofessional conduct under Code
6 section 4301, subdivision (f), in that Respondent committed acts involving moral turpitude,
7 dishonesty, fraud, deceit, or corruption, as set forth in paragraph 9, above.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Technician License Number TCH 96717, issued
12 to Kevin Allen McGrew;
- 13 2. Ordering Kevin Allen McGrew to pay the Board of Pharmacy the reasonable costs of
14 the investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3; and,
- 16 3. Taking such other and further action as deemed necessary and proper.

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18
19 DATED: 12/12/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.12.12 14:56:36 -08'00'

20 ANNE SODERGREN
21 Executive Officer
22 Board of Pharmacy
23 Department of Consumer Affairs
24 State of California
25 *Complainant*

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