

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

In the Matter of the Accusation Against:

**L'VICTWA MULDROW  
P.O. Box 2324  
Redondo Beach, CA 90278**

**Pharmacy Technician License No. TCH  
127821**

Respondent.

Case No. 5290

OAH No. 2016040119


**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on January 23, 2017.

It is so ORDERED on December 23, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
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7

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

11 In the Matter of the Accusation Against:

12 **L'VICTWA MULDROW**  
13 **P.O. Box 2324**  
**Redondo Beach, CA 90278**

14 **Pharmacy Technician License No. TCH**  
15 **127821**

16 Respondent.

Case No. 5290

OAH No. 2016040119

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Kamala D. Harris, Attorney General of the State of California, by Christina Thomas, Deputy  
24 Attorney General.

25 2. L'Victwa Muldrow (Respondent) is represented in this proceeding by attorney Scott  
26 Harris, whose address is 8383 Wilshire Blvd., Beverly Hills, CA 90210.

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1           3.     On or about January 16, 2013, the Board issued Pharmacy Technician License No.  
2 TCH 127821 to L'Victwa Muldrow. The Pharmacy Technician License was in full force and  
3 effect at all times relevant to the charges brought in Accusation No. 5290 and will expire on May  
4 31, 2018, unless renewed.

5  
6    JURISDICTION

7           4.     Accusation No. 5290 was filed before the Board, and is currently pending against  
8 Respondent. The Accusation and all other statutorily required documents were properly served  
9 on Respondent on May 29, 2015. Respondent timely filed her Notice of Defense contesting the  
10 Accusation. A copy of Accusation No. 5290 is attached as Exhibit A and incorporated by  
11 reference.

12   ADVISEMENT AND WAIVERS

13           5.     Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 5290. Respondent also has carefully read, fully  
15 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
16 Order.

17           6.     Respondent is fully aware of her legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
19 the witnesses against her; the right to present evidence and to testify on her own behalf; the right  
20 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
21 documents; the right to reconsideration and court review of an adverse decision; and all other  
22 rights accorded by the California Administrative Procedure Act and other applicable laws.

23           7.     Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
24 every right set forth above.

25   CULPABILITY

26           8.     Respondent admits the truth of each and every charge and allegation in Accusation  
27 No. 5290, agrees that cause exists for discipline and hereby surrenders her Pharmacy Technician  
28 License No. TCH 127821 for the Board's formal acceptance.

1 9. Respondent understands that by signing this stipulation she enables the Board to issue  
2 an order accepting the surrender of her Pharmacy Technician License without further process.

3 CONTINGENCY

4 10. This stipulation shall be subject to approval by the Board. Respondent understands  
5 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
6 with the Board regarding this stipulation and surrender, without notice to or participation by  
7 Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that  
8 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board  
9 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,  
10 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this  
11 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
12 be disqualified from further action by having considered this matter.

13 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
14 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
15 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

16 12. This Stipulated Surrender of License and Order is intended by the parties to be an  
17 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
18 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
19 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
20 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
21 executed by an authorized representative of each of the parties.

22 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
23 the Board may, without further notice or formal proceeding, issue and enter the following Order:

24 ORDER

25 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 127821, issued to  
26 Respondent L'Victwa Muldrow, is surrendered and accepted by the Board of Pharmacy.

27 1. The surrender of Respondent's Pharmacy Technician License and the acceptance of  
28 the surrendered license by the Board shall constitute the imposition of discipline against

1 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
2 Respondent's license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California  
4 as of the effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board her pocket license and, if one was  
6 issued, her wall certificate on or before the effective date of the Decision and Order.

7 4. If she ever applies for licensure or petitions for reinstatement in the State of  
8 California, the Board shall treat it as a new application for licensure. Respondent may not apply  
9 for any license, permit, or registration from the board for three (3) years from the effective date of  
10 this decision. Respondent stipulates that should she apply for any license from the board on or  
11 after the effective date of this decision, all allegations set forth in the accusation shall be deemed to  
12 be true, correct and admitted by respondent when the board determines whether to grant or deny  
13 the application. Respondent shall satisfy all requirements applicable to that license as of the date  
14 the application is submitted to the board, including, but not limited to certification by a nationally  
15 recognized body prior to the issuance of a new license. Respondent is required to report this  
16 surrender as disciplinary action.

17 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
18 amount of \$2,737.00 prior to issuance of a new or reinstated license.

19 6. If Respondent should ever apply or reapply for a new license or certification, or  
20 petition for reinstatement of a license, by any other health care licensing agency in the State of  
21 California, all of the charges and allegations contained in Accusation, No. 5290 shall be deemed  
22 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
23 other proceeding seeking to deny or restrict licensure.

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5 ACCEPTANCE

6 I have carefully read the above Stipulated Surrender of License and Order and have fully  
7 discussed it with my attorney, Scott Harris. I understand the stipulation and the effect it will have  
8 on my Pharmacy Technician License. I enter into this Stipulated Surrender of License and Order  
9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
10 Board of Pharmacy.

11  
12 DATED: 11.03.16   
13 L'VICTWA MULDROW  
14 *Respondent*

15 I have read and fully discussed with Respondent L'Victwa Muldrow the terms and  
16 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
17 approve its form and content.

18 DATED: Nov 3, 2016   
19 SCOTT HARRIS  
20 *Attorney for Respondent*

21 ENDORSEMENT

22 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
23 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.  
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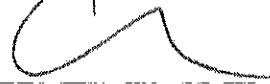
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Dated:

11/3/16

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General



CHRISTINA THOMAS  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5290**



1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 LINDA L. SUN  
Supervising Deputy Attorney General  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5290

13 **L'VICTWA MULDROW**  
P.O. Box 2324  
Redondo Beach, CA 90278

**ACCUSATION**

14 Pharmacy Technician License  
15 No. TCH 127821

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about January 16, 2013, the Board of Pharmacy (Board) issued Pharmacy  
22 Technician License No. TCH 127821 to L'Victwa Muldrow (Respondent). The Pharmacy  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on May 31, 2016, unless 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 unless otherwise indicated.

## STATUTORY PROVISIONS

1  
2 4. Section 490 states, in pertinent part:

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

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

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

20 5. Section 493 states:

21 Notwithstanding any other provision of law, in a proceeding conducted by  
22 a board within the department pursuant to law to deny an application for a license or  
23 to suspend or revoke a license or otherwise take disciplinary action against a person  
24 who holds a license, upon the ground that the applicant or the licensee has been  
25 convicted of a crime substantially related to the qualifications, functions, and duties of  
26 the licensee in question, the record of conviction of the crime shall be conclusive  
27 evidence of the fact that the conviction occurred, but only of that fact, and the board  
28 may inquire into the circumstances surrounding the commission of the crime in order  
to fix the degree of discipline or to determine if the conviction is substantially related  
to the qualifications, functions, and duties of the licensee in question. As used in this  
section, "license" includes "certificate," "permit," "authority," and "registration."

6. Section 4300 provides that every license issued by the Board is subject to discipline,  
including suspension or revocation.

7. Section 4300.1 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.

8. Section 4301 states, in pertinent part:

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

1 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is  
2 not limited to, any of the following:

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

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

#### 16 REGULATORY PROVISION

17 9. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

#### 22 COST RECOVERY

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

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2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Conviction of a Substantially Related Crime)**

4 11. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision  
5 (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
6 was convicted of crimes substantially related to the qualifications, functions or duties of a  
7 pharmacy technician.

8 a. On or about June 2, 2014, Respondent was convicted of one felony count of violating  
9 Penal Code section 459 [burglary: first degree] and one felony count of Vehicle Code section  
10 2800.2, subdivision (a) [evading an officer, willful disregard] in the criminal proceeding entitled  
11 *The People of the State of California v. Lvietwa Muldrow* (Super. Ct. L.A. County, 2014, No.  
12 LA076688). The Court sentenced Respondent to serve 4 years in State Prison, as to count one, 2  
13 years in State Prison, as to count two, and was placed on 3 years formal probation with terms and  
14 conditions.

15 b. The circumstances surrounding the conviction are that on or about January 28, 2014,  
16 during an investigation of a burglary alarm activation, Respondent, while driving the getaway  
17 vehicle, led police officers on a pursuit along with her two other co-defendants. Respondent was  
18 later apprehended at gunpoint after she attempted to jump a wall. Respondent admitted that she  
19 was involved in the burglary that day, another one on January 23, 2014, and five others the  
20 previous year. Numerous items, such as jewelry, watches, wallets, coins, a plastic bag containing  
21 substance resembling marijuana, and \$3,000 cash were recovered from Respondent's vehicle. The  
22 total value of the stolen property was approximately \$30,000.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Acts Involving Dishonesty, Fraud, or Deceit)**

25 12. Respondent is subject to disciplinary action under section 4301, subdivisions (f), in  
26 that Respondent committed acts involving dishonesty, fraud, or deceit. Complainant refers to, and  
27 by this reference incorporates the allegations set forth in paragraph 11, as though set forth fully.

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1 DISCIPLINARY CONSIDERATIONS

2 13. In order to determine the degree of discipline, if any to be imposed on Respondent,  
3 Complainant alleges that on or about August 10, 2011, Respondent was convicted of one  
4 misdemeanor count of violating Penal Code section 647, subdivision (a) [disorderly conduct:  
5 solicit lewd act] in the criminal proceeding entitled *The People of the State of California v.*  
6 *L'victwa Muldrow* (Super. Ct. L.A. County, 2011, No. 1CA13997). The Court deferred entry of  
7 judgment pending Respondent's completion of a drug diversion program. On or about September  
8 14, 2012, Respondent completed a drug diversion program. The circumstances surrounding the  
9 conviction are that on or about on or about July 15, 2011, Respondent solicited another to engage  
10 in or engaged in lewd or dissolute conduct in a public place or any place open to the public or  
11 exposed to public view.

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 License No. TCH 127821, issued to  
16 L'Victwa Muldrow;

17 2. Ordering L'Victwa Muldrow to pay the Board of Pharmacy the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 125.3; and

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

21 DATED: 5/9/15

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

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