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9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10	STATE OF C	CALIFORNIA -	
11	In the Matter of the Accusation Against:	Case No. 5290	
12	L'VICTWA MULDROW	ACCUSATION	
13	P.O. Box 2324 Redondo Beach, CA 90278		
14	Pharmacy Technician License No. TCH 127821		
15			
16	Respondent.		
17	Complainant alleges:	•	
18	PARTIES		
19			
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as		
21	the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.		
22	2. On or about January 16, 2013, the Board of Pharmacy (Board) issued Pharmacy		
23	Technician License No. TCH 127821 to L'Victwa Muldrow (Respondent). The Pharmacy		
24	Technician License was in full force and effect at all times relevant to the charges brought herein		
25	and will expire on May 31, 2016, unless renewed	1.	
	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.		
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4.

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

Section 490 states, in pertinent part:

- (b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.
- (c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code.

5. Section 493 states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board 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 not limited to, any of the following:	
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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 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.	
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6	(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	
7	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	
8	state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be	
9	conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix	
10	the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense	
11	substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or 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	
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13	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	
14	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.	
15	dismissing the accusation, information, or indictinent.	
15 16	REGULATORY PROVISION	
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16	9. California Code of Regulations, title 16, section 1770, states, in pertinent part: For the purpose of denial, suspension, or revocation of a personal or	
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FIRST CAUSE FOR DISCIPLINE

(Conviction of a Substantially Related Crime)

- 11. Respondent is subject to disciplinary action under sections 490 and 4301, subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent was convicted of crimes substantially related to the qualifications, functions or duties of a pharmacy technician.
- a. On or about June 2, 2014, Respondent was convicted of one felony count of violating Penal Code section 459 [burglary: first degree] and one felony count of Vehicle Code section 2800.2, subdivision (a) [evading an officer, willful disregard] in the criminal proceeding entitled *The People of the State of California v. Lvictwa Muldrow* (Super. Ct. L.A. County, 2014, No. LA076688). The Court sentenced Respondent to serve 4 years in State Prison, as to count one, 2 years in State Prison, as to count two, and was placed on 3 years formal probation with terms and conditions.
- b. The circumstances surrounding the conviction are that on or about January 28, 2014, during an investigation of a burglary alarm activation, Respondent, while driving the getaway vehicle, led police officers on a pursuit along with her two other co-defendants. Respondent was later apprehended at gunpoint after she attempted to jump a wall. Respondent admitted that she was involved in the burglary that day, another one on January 23, 2014, and five others the previous year. Numerous items, such as jewelry, watches, wallets, coins, a plastic bag containing substance resembling marijuana, and \$3,000 cash were recovered from Respondent's vehicle. The total value of the stolen property was approximately \$30,000.

SECOND CAUSE FOR DISCIPLINE

(Acts Involving Dishonesty, Fraud, or Deceit)

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

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DISCIPLINARY CONSIDERATIONS

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

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 License No. TCH 127821, issued to L'Victwa Muldrow;
- 2. Ordering L'Victwa Muldrow 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; and
 - 3. Taking such other and further action as deemed necessary and proper.

dated: 5/9/15

VIRGINIA HEROLD Executive Officer

Board of Pharmacy

Department of Consumer Affairs

State of California

Complainant