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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
14 Redondo Beach, CA 90278

A C C U S A T I O N

15 Pharmacy Technician License
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.
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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.

25 REGULATORY PROVISION

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

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

29 COST RECOVERY

30 10. Section 125.3 states, in pertinent part, that the Board may request the administrative
31 law judge to direct a licentiate found to have committed a violation or violations of the licensing
32 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
33 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 (I), 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. Lvictwa 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

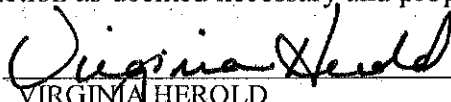
2 13. In order to determine the degree of discipline, if any to be imposed on Respondent,
3 Complainant alleges that on or about August 10, 2011, Respondent was convicted of one
4 misdemeanor count of violating Penal Code section 647, subdivision (a) [disorderly conduct:
5 solicit lewd act] in the criminal 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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