

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

In the Matter of the Accusation Against:

LEON CHRISTIAN NICULAI, Respondent

**Pharmacy Technician License No. TCH 158904 &
Pharmacy Technician License No. TCH 182904**

Agency Case No. 7377

DECISION AND ORDER

The attached Stipulated Surrender of License 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 May 10, 2023.

It is so ORDERED on April 10, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
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8
9 **BEFORE THE**
BOARD OF PHARMACY
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case Number 7377

13 **LEON CHRISTIAN NICULAI**
1757 Tanager Way
14 Roseville, CA 95747

**STIPULATED SURRENDER OF
LICENSES AND ORDER**

15 **Pharmacy Technician License Number TCH**
158904
16 **Pharmacy Technician License Number TCH**
182904

17 Respondent.
18

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Daniel D. McGee, Deputy Attorney
25 General.

26 2. Leon Christian Niculai (Respondent) is representing himself in this proceeding and
27 has chosen not to exercise his right to be represented by counsel.

28 ///

1 3. On or about May 17, 2021, the Board issued Pharmacy Technician License
2 Number TCH 158904 to Respondent. The Pharmacy Technician License originally expired on or
3 about September 30, 2020, and thereafter cancelled on or about January 3, 2021. However, in
4 light of Emergency Order Number N-39-20 by the Governor of the State of California, which
5 waived license reactivation restoration requirements due to the COVID-19 pandemic, the license
6 was restored on or about May 17, 2021, and subsequently cancelled on or about July 7, 2021.
7 Said license has not been renewed.

8 4. On or about July 7, 2021, the Board issued Pharmacy Technician License
9 Number TCH 182904 to Respondent. The Pharmacy Technician License was in full force and
10 effect at all times relevant to the charges brought herein and will expire on September 30, 2024,
11 unless renewed.

12 **JURISDICTION**

13 5. Accusation Number 7377 was filed before the Board, and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on December 5, 2022. Respondent timely filed his Notice of Defense contesting
16 the Accusation. A copy of Accusation Number 7377 is attached as Exhibit A and incorporated by
17 reference.

18 **ADVISEMENT AND WAIVERS**

19 6. Respondent has carefully read and understands the charges and allegations in
20 Accusation Number 7377. Respondent also has carefully read and understands the effects of this
21 Stipulated Surrender of Licenses and Order.

22 7. Respondent is fully aware of his legal rights in this matter, including the right to a
23 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
24 his own expense; the right to confront and cross-examine the witnesses against him; the right to
25 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
26 the attendance of witnesses and the production of documents; the right to reconsideration and
27 court review of an adverse decision; and all other rights accorded by the California
28 Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation Number 7377, agrees that cause exists for discipline, and hereby surrenders his Pharmacy Technician License Number TCH 158904 for the Board's formal acceptance.

10. Respondent admits the truth of each and every charge and allegation in Accusation Number 7377, agrees that cause exists for discipline, and hereby surrenders his Pharmacy Technician License Number TCH 182904 for the Board's formal acceptance.

11. Respondent understands that by signing this stipulation, he enables the Board to issue an order accepting the surrender of his Pharmacy Technician Licenses without further process.

CONTINGENCY

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

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

14. This Stipulated Surrender of Licenses and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations and commitments (written or oral). This Stipulated Surrender of Licenses and Order

1 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
2 executed by an authorized representative of each of the parties.

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

5 **ORDER**

6 IT IS HEREBY ORDERED that Pharmacy Technician License Number TCH 158904 and
7 Pharmacy Technician License Number TCH 182904, both of which are issued to Respondent
8 Leon Christian Niculai, are each surrendered and accepted by the Board.

9 1. The surrender of Respondent's Pharmacy Technician License Number TCH 158904
10 and Pharmacy Technician License Number TCH 182904, and the acceptance of the surrendered
11 licenses by the Board, shall constitute the imposition of discipline against Respondent. This
12 stipulation constitutes a record of the discipline and shall become a part of Respondent's license
13 history with the Board.

14 2. Respondent shall lose all rights and privileges as a pharmacy technician in California
15 as of the effective date of the Board's Decision and Order.

16 3. Respondent shall cause to be delivered to the Board his pocket licenses and, if any
17 were issued, his wall certificates on or before the effective date of the Decision and Order.

18 4. If he ever applies for licensure or petitions for reinstatement in the State of California,
19 the Board shall treat it as a new application for licensure. Respondent must comply with all the
20 laws, regulations and procedures for licensure in effect at the time the application or petition is
21 filed, and all of the charges and allegations contained in Accusation Number 7377 shall be
22 deemed to be true, correct and admitted by Respondent when the Board determines whether to
23 grant or deny the application or petition.

24 5. Respondent shall pay the agency its costs of investigation and enforcement in the
25 amount of \$3,760 prior to issuance of a new or reinstated license.

26 6. If Respondent should ever apply or reapply for a new license or certification, or
27 petition for reinstatement of a license, by any other health care licensing agency in the State of
28 California, all of the charges and allegations contained in Accusation Number 7377 shall be

1 deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of
2 Issues or any other proceeding seeking to deny or restrict licensure.

3 7. Respondent shall not apply for licensure or petition for reinstatement for three (3)
4 years from the effective date of the Board's Decision and Order.

5 **ACCEPTANCE**

6 I have carefully read the Stipulated Surrender of Licenses and Order. I understand the
7 stipulation and the effect it will have on my Pharmacy Technician Licenses. I enter into this
8 Stipulated Surrender of Licenses and Order voluntarily, knowingly and intelligently, and agree to
9 be bound by the Decision and Order of the Board of Pharmacy.

10
11 DATED: _____

12 LEON CHRISTIAN NICULAI
13 *Respondent*

14 **ENDORSEMENT**

15 The foregoing Stipulated Surrender of Licenses and Order is hereby respectfully submitted
16 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

17 DATED: _____

Respectfully submitted,

18 ROB BONTA
19 Attorney General of California
20 KAREN R. DENVIR
Supervising Deputy Attorney General

21
22 DANIEL D. MCGEE
23 Deputy Attorney General
Attorneys for Complainant

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deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of Licenses and Order. I understand the stipulation and the effect it will have on my Pharmacy Technician Licenses. I enter into this Stipulated Surrender of Licenses and Order voluntarily, knowingly and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 2/24/2023



LEON CHRISTIAN NICULAI
Respondent


ENDORSEMENT

The foregoing Stipulated Surrender of Licenses and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 2/24/2023

Respectfully submitted,

ROB BONTA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General



DANIEL D. MCGEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation Number 7377

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 DANIEL D. MCGEE
Deputy Attorney General
4 State Bar Number 218947
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Facsimile: (916) 324-5567
7 *Attorneys for Complainant*

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9 **BEFORE THE**
BOARD OF PHARMACY
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case Number 7377

13 **LEON CRISTIAN NICULAI**
1757 Tanager Way
14 Roseville, CA 95747

ACCUSATION

15 **Pharmacy Technician License Number TCH**
158904
16 **Pharmacy Technician License Number TCH**
182904

17 Respondent.
18

19
20 **PARTIES**

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

23 **Pharmacy Technician License Number TCH 158904**

24 2. On or about May 17, 2021, the Board issued Pharmacy Technician License
25 Number TCH 158904 to Leon Cristian Niculai (Respondent). The Pharmacy Technician License
26 originally expired on or about September 30, 2020, and thereafter cancelled on or about January
27 3, 2021. However, in light of Emergency Order number N-39-20 by the Governor of the State of
28 California, which waived license reactivation restoration requirements due to the COVID-19

1 pandemic, the license was restored on or about May 17, 2021, and subsequently cancelled on or
2 about July 7, 2021. Said license has not been renewed.

3 **Pharmacy Technician License Number TCH 182904**

4 3. On or about July 7, 2021, the Board issued Pharmacy Technician License
5 Number TCH 182904 to Respondent. The Pharmacy Technician License was in full force and
6 effect at all times relevant to the charges brought herein and will expire on September 30, 2024,
7 unless renewed.

8 **JURISDICTION**

9 4. This Accusation is brought before the Board under the authority of the following
10 laws. All section references are to the Business and Professions Code (Code) unless otherwise
11 indicated.

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

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

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

16 (1) Suspending judgment.

17 (2) Placing him or her upon probation.

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

19 (4) Revoking his or her license.

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

22 6. Code section 4300.1 states:

23 The expiration, cancellation, forfeiture, or suspension of a board-issued license
24 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
25 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
26 a decision suspending or revoking the license.

27 **STATUTORY PROVISIONS**

28 7. Code section 490 provides, in pertinent part, that a board may suspend or revoke a

1 license on the ground that the licensee has been convicted of a crime substantially related to the
2 qualifications, functions, or duties of the business or profession for which the license was issued.

3 8. Code section 4301 states, in pertinent part:

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

6 . . .

7 (f) The commission of any act involving moral turpitude, dishonesty, fraud,
8 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.

9 . . .

10 (h) The administering to oneself, of any controlled substance, or the use of any
11 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
12 dangerous or injurious to oneself, to a person holding a license under this chapter, or
to any other person or to the public, or to the extent that the use impairs the ability of
the person to conduct with safety to the public the practice authorized by the license.

13 . . .

14 (k) The conviction of more than one misdemeanor or any felony involving the
15 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
or any combination of those substances.

16 . . .

17 (l) The conviction of a crime substantially related to the qualifications,
18 functions, and duties of a licensee under this chapter. The record of conviction of a
19 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
20 States Code regulating controlled substances or of a violation of the statutes of this
21 state regulating controlled substances or dangerous drugs shall be conclusive
22 evidence of unprofessional conduct. In all other cases, the record of conviction shall
23 be conclusive evidence only of the fact that the conviction occurred. The board may
24 inquire into the circumstances surrounding the commission of the crime, in order to
25 fix the degree of discipline or, in the case of a conviction not involving controlled
26 substances or dangerous drugs, to determine if the conviction is of an offense
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
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
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.

27 . . .

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1 **COST RECOVERY**

2 9. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Criminal Convictions)**

10 10. Respondent is subject to disciplinary action under Code sections 490 and 4301,
11 subdivision (l), in that Respondent was convicted of crimes substantially related to the
12 qualifications, functions, or duties of a pharmacist technician, as follows:

13 11. On or about July 8, 2021, in the criminal proceeding titled *People v. Leon Cristian*
14 *Niculai* (Sacramento County Superior Court Case Number 21MI004866), the Court convicted
15 Respondent on his plea of *nolo contendere* to violating Penal Code section 23152, subdivision (b)
16 (driving while having a blood alcohol concentration of .08% or more), a misdemeanor. The
17 imposition of Respondent's sentence was suspended and the Court ordered Respondent to serve
18 12 days in county jail and granted probation for a period of four (4) years with terms and
19 conditions. The circumstances of the crime are as follows: On or about February 28, 2021, an
20 officer with the Citrus Heights Police Department conducted a traffic enforcement stop on
21 Respondent. The officer found that Respondent was driving under the influence of alcohol.

22 12. On or about February 24, 2022, in the criminal proceeding titled *People v. Leon*
23 *Cristian Niculai* (Placer County Superior Court Case Number 62-181805), the Court convicted
24 Respondent on his plea *nolo contendere* to violating Penal Code section 594, subdivision (b)(1)
25 (vandalism exceeding \$400), a misdemeanor. Respondent was booked and released. The
26 circumstances of the crime are as follows: On or about January 1, 2021, an officer with the
27 Roseville Police Department responded to a report regarding vandalism to a vehicle belonging to
28 Respondent's ex-girlfriend ("Victim 1") and her father ("Victim 2"). Victim 2 told the officer

1 that the subject vehicle had three slashed tires and two of the doors were scratched. Victim 1 and
2 Victim 2 suspected that Respondent had vandalized the vehicle. The officer obtained video
3 surveillance that showed Respondent driving through the victims' neighborhood approximately
4 two and one-half (2-½) hours prior to the Victim 2 discovering the damage. The video also
5 showed what appeared to be Respondent standing in the driveway next to the subject vehicle.
6 When contacted by the police, Respondent denied vandalizing the subject vehicle. However,
7 Respondent later admitted to the vandalism.

8 13. On or about February 24, 2022, in a criminal proceeding titled *People v. Leon*
9 *Cristian Niculai* (Placer County Superior Court Case Number 62-182525), the Court convicted
10 Respondent on his plea of *nolo contendere* to violating Penal Code section 273.6, subdivision (a),
11 (disobeying domestic relations court order), a misdemeanor. The imposition of Respondent's
12 sentence was suspended and the Court ordered Respondent to serve sixty (60) days in county jail
13 and imposed conditional probation for a period of three (3) years with terms and conditions,
14 including a fifty-two (52) week batterer's program. The circumstances of the crime are as
15 follows: On or about March 27, 2021, an officer with the Roseville Police Department responded
16 to a domestic violence restraining order violation. Upon arrival, the victim told the officer that
17 Respondent had been calling her and her current boyfriend from multiple different phone
18 numbers, as well as texting her. The officer contacted Respondent who acknowledged the
19 domestic violence restraining order, which restrained him from having any contact with the
20 victim, and admitted that he had texted the victim.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Moral Turpitude and/or Dishonesty)**

23 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
24 in that Respondent committed acts involving moral turpitude and/or dishonesty when he
25 vandalized the victims' vehicle and then denied having done so in his statement to the police, as
26 more particularly set forth above in paragraph 12, and incorporated herein by reference.

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THIRD CAUSE FOR DISCIPLINE

(Dangerous Use of Alcohol)

15. Respondent is subject to disciplinary action under Code section 4301, subdivision (h), in that Respondent used alcoholic beverages to an extent or in a manner as to be dangerous or injurious to himself or to any other person or the public, as more particularly set forth above in paragraph 11, and incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Multiple Convictions Involving Drugs and/or Alcohol)

16. Respondent is subject to disciplinary action under Code section 4301, subdivision (k), in that he was convicted or more than one misdemeanor involving the use, consumption, or self-administration of drugs and/or alcoholic beverages, as more particularly set forth above in paragraph 11 and below in paragraph 17, each of which are incorporated herein by reference.

DISCIPLINE CONSIDERATIONS

17. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that on or about April 4, 2018, in a prior action, the Board issued Citation Number CI 2017 78369 against Respondent for violating Code section 4301, subdivision (h) (dangerous use of alcohol and drugs) and Code section 4301, subdivision (l) (conviction of crimes related to pharmacy practice), and ordered Respondent to pay a civil penalty in the amount of \$600.00. The underlying circumstances were that on or about January 1, 2018, Respondent was convicted for driving under the influence of alcoholic beverages and the controlled substance marijuana. On or about March 19, 2018, Respondent was convicted of wet/reckless driving as a result of the incident.

PRAYER

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

1. Revoking or suspending Pharmacy Technician License Number TCH 158904, issued to Leon Christian Niculai;

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2. Revoking or suspending Pharmacy Technician License Number TCH 182904, issued to Leon Christian Niculai;

3. Ordering Leon Christian Niculai to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

4. Taking such other and further action as deemed necessary and proper.

DATED: 11/21/2022

Sodergren, Anne@DCA
Digitally signed by Sodergren, Anne@DCA
Date: 2022.11.21 19:17:46 -08'00'

ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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