

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

**In the Matter of the Accusation Against:**

**MIKKI SHAKIBAFAR  
Pharmacy Technician License No. TCH 41516,**

**Respondent.**

**Agency Case No. 7792**

**OAH NO. 2024060988**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reproval 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 November 13, 2024.

It is so ORDERED on October 14, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", written over a horizontal line.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CLAUDIA MOREHEAD  
Deputy Attorney General  
4 State Bar No. 205340  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6482  
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*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

13 **MIKKI SHAKIBAFAR**  
14 **17816 Lassen St., #107**  
**Northridge, CA 91325**

15 **Pharmacy Technician License No. TCH**  
16 **41516,**

17 Respondent.

Case No. 7792

OAH No. 2024060988

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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 Claudia Morehead, Deputy Attorney  
25 General.

26 2. Respondent Mikki Shakibafar (Respondent) is representing herself in this proceeding  
27 and has chosen not to exercise her right to be represented by counsel.

28 3. On or about February 21, 2002, the Board issued Pharmacy Technician License No.

1 TCH 41516 to Respondent. The Pharmacy Technician License was in full force and effect at all  
2 times relevant to the charges brought in Accusation No. 7792, and will expire on March 31, 2025,  
3 unless renewed.

#### 4 **JURISDICTION**

5 4. Accusation No. 7792 was filed before the Board, and is currently pending against  
6 Respondent. The Accusation and all other statutorily required documents were properly served  
7 on Respondent on June 5, 2024. Respondent timely filed her Notice of Defense contesting the  
8 Accusation.

9 5. A copy of Accusation No. 7792 is attached as Exhibit A and incorporated herein by  
10 reference.

#### 11 **ADVISEMENT AND WAIVERS**

12 6. Respondent has carefully read, and understands the charges and allegations in  
13 Accusation No. 7792. Respondent has also carefully read, and understands the effects of this  
14 Stipulated Settlement and Disciplinary Order.

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

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

#### 24 **CULPABILITY**

25 9. Respondent understands and agrees that the charges and allegations in Accusation  
26 No. 7792, if proven at a hearing, constitute cause for imposing discipline upon her Pharmacy  
27 Technician License.

28 10. For the purpose of resolving the Accusation without the expense and uncertainty of

1 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
2 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
3 those charges.

4 11. Respondent agrees that her Pharmacy Technician License is subject to discipline and  
5 she agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary  
6 Order below.

7 12. Respondent agrees that in any future disciplinary proceedings before the Board, the  
8 allegations in Accusation No. 7792 shall be deemed admitted by Respondent.

### 9 **CONTINGENCY**

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

19 14. The parties understand and agree that Portable Document Format (PDF) and facsimile  
20 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
21 signatures thereto, shall have the same force and effect as the originals.

22 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
27 writing executed by an authorized representative of each of the parties.

28 16. In consideration of the foregoing admissions and stipulations, the parties agree that

1 the Board may, without further notice or formal proceeding, issue and enter the following  
2 Disciplinary Order:

3 **DISCIPLINARY ORDER**

4 IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 41516 issued to  
5 Respondent Mikki Shakibafar shall, by way of letter from the Board's Executive Officer, be  
6 publicly reprovved.

7 IT IS FURTHER ORDERED that Respondent shall pay to the Board its costs of  
8 investigation and prosecution in the amount of \$4,000. Respondent shall be permitted to pay  
9 these costs in a payment plan approved by the Board or its designee, so long as full payment is  
10 made by March 31, 2027. If Respondent fails to pay the costs, Respondent shall not be allowed  
11 to renew her Pharmacy Technician License.

12 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility  
13 to reimburse the Board its costs of investigation and prosecution.

14 **ACCEPTANCE**

15 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
16 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
17 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
18 to be bound by the Decision and Order of the Board of Pharmacy.

19  
20  
21  
22 DATED: \_\_\_\_\_

23 MIKKI SHAKIBAFAR  
24 *Respondent*

25 ///

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2 Disciplinary Order:

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16 stipulation and the effect it will have on my Pharmacy Technician License. I enter into this  
17 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
18 to be bound by the Decision and Order of the Board of Pharmacy.

19  
20  
21  
22 DATED: 8/23/24

  
23 MIKKI SHAKIBAFAR  
Respondent

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

CLAUDIA MOREHEAD  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 8/26/2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

*Claudia Morehead*

CLAUDIA MOREHEAD  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7792**

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6310  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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. 7792

13 **MIKKI SHAKIBAFAR**  
17816 Lassent St., #107  
14 Northridge, CA 91325

**ACCUSATION**

15 Pharmacy Technician License No. TCH 41516

16 Respondent.

17  
18 **PARTIES**

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

21 2. On or about February 21, 2002, the Board issued Pharmacy Technician License  
22 Number TCH 41516 to Mikki Shakibafar (Respondent). The Pharmacy Technician License was  
23 in full force and effect at all times relevant to the charges brought herein and will expire on  
24 March 31, 2025, 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.

28 ///

1           4.     Section 4300 states:

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

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

5                           (1) Suspending judgment.

6                           (2) Placing him or her upon probation.

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

8                           (4) Revoking his or her license.

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

11                   (c) The board may refuse a license to any applicant guilty of unprofessional  
12                   conduct. The board may, in its sole discretion, issue a probationary license to any  
13                   applicant for a license who is guilty of unprofessional conduct and who has met all  
                    other requirements for licensure. The board may issue the license subject to any  
                    terms or conditions not contrary to public policy, including, but not limited to, the  
                    following:

14                           (1) Medical or psychiatric evaluation.

15                           (2) Continuing medical or psychiatric treatment.

16                           (3) Restriction of type or circumstances of practice.

17                           (4) Continuing participation in a board-approved rehabilitation program.

18                           (5) Abstention from the use of alcohol or drugs.

19                           (6) Random fluid testing for alcohol or drugs.

20                           (7) Compliance with laws and regulations governing the practice of pharmacy.

21                   (d) The board may initiate disciplinary proceedings to revoke or suspend any  
22                   probationary certificate of licensure for any violation of the terms and conditions of  
23                   probation. Upon satisfactory completion of probation, the board shall convert the  
                    probationary certificate to a regular certificate, free of conditions.

24                   (e) The proceedings under this article shall be conducted in accordance with  
25                   Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
26                   Government Code, and the board shall have all the powers granted therein. The  
                    action shall be final, except that the propriety of the action is subject to review by the  
                    superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

27           5.     Section 4300.1 states:

28                   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

1 placement of a license on a retired status, or the voluntary surrender of a license by a  
2 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.

### 3 **STATUTORY PROVISIONS**

4 6. Section 490 provides, in pertinent part, that a board may suspend or revoke a license  
5 on the ground that the licensee has been convicted of a crime substantially related to the  
6 qualifications, functions, or duties of the business or profession for which the license was issued.

7 7. Section 4301 states, in pertinent part:

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

10 . . .

11 (h) The administering to oneself, of any controlled substance, or the use of any  
12 dangerous drug or of alcoholic beverages to the extent or in a manner as to be  
13 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.

14 . . .

15 (l) The conviction of a crime substantially related to the qualifications,  
16 functions, and duties of a licensee under this chapter. The record of conviction of a  
17 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  
18 state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction shall  
19 be 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  
20 fix 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  
21 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  
22 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  
23 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  
24 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.

25 8. Health and Safety Code Section 11170 states:

26 No person shall prescribe, administer, or furnish a controlled substance for  
27 himself.

28 ///

///

## **REGULATORY PROVISIONS**

9. California Code of Regulations, title 16, section 1770, states:

(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a manner consistent with the public health, safety, or welfare.

(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board will consider the following criteria:

(1) The nature and gravity of the offense;

(2) The number of years elapsed since the date of the offense; and

(3) The nature and duties of the practice, profession, or occupation that may be performed under the license type sought or held.

(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:

(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.

(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801 ) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.

(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.

(5) Involve a conviction for driving under the influence of drugs or alcohol.

## **COST RECOVERY**

10. Section 125.3 states, 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 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

1           11.    **CONTROLLED SUBSTANCE/DANGEROUS DRUG**

2           “Zolpidem,” brand name Ambien, is a Schedule IV controlled substance as designated by  
3 Health and Safety Code section 11057, subdivision (d)(32), and is categorized as a dangerous  
4 drug pursuant to Business and Professions Code section 4022.

5                               **FIRST CAUSE FOR DISCIPLINE**

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

7           12.    Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
8 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
9 Respondent was convicted of a crime substantially related to the qualifications, functions or  
10 duties of a pharmacy technician. Specifically, on or about February 16, 2024, after pleading nolo  
11 contendere, Respondent was convicted of one misdemeanor count of violating Vehicle Code  
12 section 23103, subdivision (a) [wet reckless driving] in the criminal proceeding entitled *The*  
13 *People of the State of California v. Mikki Mahshied Shakibafar* (Super. Ct. L.A., 2024, No.  
14 2SV00773.) The court placed Respondent on 12 months’ probation, with terms and conditions.  
15 The circumstances surrounding the conviction are that on or about November 21, 2021,  
16 Respondent was involved in a traffic collision. When police officers arrived on the scene,  
17 Respondent stated she was experiencing double vision prior to the traffic collision and thought  
18 she hit a parked car. She was observed to have an unsteady gait and her speech was slurred.  
19 Respondent admitted to taking her Norco for arthritis and consuming a shot of tequila earlier in  
20 the evening. While at the scene, Respondent submitted to a series of field sobriety tests which  
21 she was unable to perform as indicated. She also submitted to a preliminary alcohol screening  
22 test and provided two breath samples which revealed a breath alcohol content level of 0.019% on  
23 the first reading and 0.020% on the second reading. Respondent also agreed to submit to a drug  
24 evaluation and was observed to display significant psycho-physical impairment that included eye  
25 tremors and slow motor skills. Respondent was subsequently placed under arrest for being under  
26 the influence of a narcotic analgesic. During the booking procedure, Respondent provided a  
27 blood sample that tested positive for Zolpidem.

28    ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Any Drug)**

3 13. Respondent is subject to disciplinary action under section 4301, subdivision (h), and  
4 Health and Safety Code section 11170, on the grounds of unprofessional conduct, in that on or  
5 about November 21, 2021, Respondent used a dangerous drug to an extent or in a manner  
6 dangerous or injurious to herself, any person, or the public. Complainant refers to, and by this  
7 reference incorporates, the allegations set forth above in paragraph 12, as though fully set forth  
8 herein.

9 **PRAYER**

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

12 1. Revoking or suspending Pharmacy Technician License Number TCH 41516, issued  
13 to Mikki Shakibafar;

14 2. Ordering Mikki Shakibafar to pay the Board of Pharmacy the reasonable costs of the  
15 investigation and enforcement of this case, pursuant to Business and Professions Code section  
16 125.3; and, if placed on probation, the costs of probation monitoring; and,

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

18  
19  
20 DATED: 5/28/2024

Sodergren, Digitally signed by  
Anne@DCA Sodergren, Anne@DCA  
Date: 2024.05.28  
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21 ANNE SODERGREN  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

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