

**BEFORE THE ARKANSAS STATE BOARD OF PHARMACY**

**IN THE MATTER OF  
MITZI LYNN RICHMOND  
APPLICANT**

**NO. 2006-011**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER**

On February 14, 2006, the Arkansas State Board of Pharmacy (hereafter "the Board") conducted a hearing in the above styled matter. After being duly served with notice thereof, Mitzi Lynn Richmond (hereafter "Applicant") appeared in person. From the testimony of witnesses, exhibits, and other evidence or record, the Board enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Applicant applied to the Board to be registered as a pharmacy technician and disclosed that she had an expunged criminal conviction.

2. In Pulaski County Circuit Court, Case No. 1988-2104, Applicant was charged with violation of the Controlled Substances Act, Ark. Code Ann. § 5-64-403, a felony, obtaining a controlled substance, Adipex-P by misrepresentation, fraud, forgery, deception, subterfuge or theft from Rosedale Pharmacy by uttering a fraudulent prescription. She pled guilty and judgment was entered sentencing Applicant to a two-year probation.

3. On or about January 20, 2006 Applicant petitioned the Court for an order to seal Case No. 1988-2104.

CONCLUSIONS OF LAW

1. Pursuant to Ark. Code Ann. § 17-92-317 and Board Regulation 11-00-0001 *et seq.*, the Board shall deny registration to an applicant with a conviction, including

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a plea of guilty or *nolo contendere*, to certain crimes including violation of the Controlled Substances Act; provided, however, the Board may in its discretion waive such a conviction upon considering the relevant matters set forth in said statute and regulations.

ORDER

IT IS THEREFORE ORDERED that the Board does not waive Applicant's above-described conviction, and her application to be registered as a pharmacy technician be, and it is hereby, denied.

IT IS SO ORDERED this 14 day of February 2006.

ARKANSAS STATE BOARD  
OF PHARMACY

BY:

  
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LARRY MCGINNIS  
PRESIDENT