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

11 In the Matter of the Statement of Issues
Against:

12 **AKYLAH KIERRA DAVIS**

13 **Pharmacy Technician Applicant**

14 Respondent.

Case No. 8152

STATEMENT OF ISSUES

16 **PARTIES**

17
18 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official
19 capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer
20 Affairs.

21 2. On or about April 1, 2025, the Board of Pharmacy, Department of Consumer Affairs
22 received an application for a Pharmacy Technician License from Akylah Kierra Davis
23 (Respondent). On or about March 5, 2025, Respondent certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on September 25, 2025.

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1 **JURISDICTION & STATUTORY PROVISIONS**

2 3. This Statement of Issues is brought before the Board, under the authority of the
3 following laws. All section references are to the Business and Professions Code (Code) unless
4 otherwise indicated.

5 4. Code section 480 states, in pertinent part:

6 (a) Notwithstanding any other provision of this code, a board may deny a
7 license regulated by this code on the grounds that the applicant has been convicted of
8 a crime or has been subject to formal discipline only if either of the following
9 conditions are met:

10 (1) The applicant has been convicted of a crime within the preceding seven years
11 from the date of application that is substantially related to the qualifications, functions, or
12 duties of the business or profession for which the application is made, regardless of whether
13 the applicant was incarcerated for that crime, or the applicant has been convicted of a crime
14 that is substantially related to the qualifications, functions, or duties of the business or
15 profession for which the application is made and for which the applicant is presently
16 incarcerated or for which the applicant was released from incarceration within the
17 preceding seven years from the date of application. However, the preceding seven-year
18 limitation shall not apply in either of the following situations...

19 ...

20 5. Code section 481 states, in pertinent part:

21 (a) Each board under this code shall develop criteria to aid it, when considering
22 the denial, suspension, or revocation of a license, to determine whether a crime is
23 substantially related to the qualifications, functions, or duties of the business or
24 profession it regulates.

25 (b) Criteria for determining whether a crime is substantially related to the
26 qualifications, functions, or duties of the business or profession a board regulates
27 shall include all of the following:

28 (1) The nature and gravity of the offense.

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

(3) The nature and duties of the profession in which the applicant seeks
licensure or in which the licensee is licensed.

....

6. Code section 482 states, in pertinent part:

(a) Each board under this code shall develop criteria to evaluate the
rehabilitation of a person when doing either of the following:

(1) Considering the denial of a license by the board under Section 480

1 (2) Considering suspension or revocation of a license under Section 490.

2 (b) Each board shall consider whether an applicant or licensee has made a
3 showing of rehabilitation if either of the following are met:

4 (1) The applicant or licensee has completed the criminal sentence at issue
5 without a violation of parole or probation.

6 (2) The board, applying its criteria for rehabilitation, finds that the applicant is
7 rehabilitated.

8 7. Code section 4300 states, in pertinent part:

9 ...

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

16 (1) Medical or psychiatric evaluation.

17 (2) Continuing medical or psychiatric treatment.

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

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

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

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

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

23 ...

24 8. Code section 4301 states in part:

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

28 ...

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

...

(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

1 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
2 States Code regulating controlled substances or of a violation of the statutes of this
3 state regulating controlled substances or dangerous drugs shall be conclusive
4 evidence of unprofessional conduct. In all other cases, the record of conviction shall
5 be conclusive evidence only of the fact that the conviction occurred. The board may
6 inquire into the circumstances surrounding the commission of the crime, in order to
7 fix the degree of discipline or, in the case of a conviction not involving controlled
8 substances or dangerous drugs, to determine if the conviction is of an offense
9 substantially related to the qualifications, functions, and duties of a licensee under this
10 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
11 contendere is deemed to be a conviction within the meaning of this provision. The
12 board may take action when the time for appeal has elapsed, or the judgment of
13 conviction has been affirmed on appeal or when an order granting probation is made
14 suspending the imposition of sentence, irrespective of a subsequent order under
15 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
16 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
17 dismissing the accusation, information, or indictment.

18 ...

19 (q) Engaging in any conduct that subverts or attempts to subvert an
20 investigation of the board.

21 ...

22 **REGULATORY PROVISIONS**

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

24 (a) For the purpose of denial, suspension, or revocation of a personal or facility
25 license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the
26 Business and Professions Code, a crime, professional misconduct, or act shall be
27 considered substantially related to the qualifications, functions or duties of the
28 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

1 before leaving the location without paying. The video surveillance system showed Respondent
2 rammed the loss prevention manager with her shopping cart two times before exiting the location.
3 The loss prevention manager told the officer that Respondent said “I’m not going to stop” before
4 ramming him twice with the shopping cart.

5 c. While conducting an area check, the responding officer identified a vehicle that
6 matched the description of Respondent’s vehicle. When the responding officer drove past the
7 vehicle, he locked eyes with Respondent, who began to weave between lanes and passed multiple
8 vehicles at a high rate of speed. Respondent proceeded to enter the freeway and evade the officer.
9 The responding officer was later flagged down by a motorist who stated Respondent nearly ran
10 her off the road.

11 d. On August 30, 2024, the loss prevention manager participated in a photographic line-
12 up and positively identified Respondent.

13 **SECOND CAUSE FOR DENIAL**

14 **(Conduct that Subverts or Attempts to Subvert an Investigation)**

15 11. Respondent’s application is subject to denial under Code section 480, subdivision
16 (a)(1), and Code section 4300, subdivision (c) as it relates to Code section 4301, subdivision (q),
17 in that Respondent engaged in conduct that attempted to subvert an investigation of the Board as
18 follows:

19 a. On May 15, 2025, Respondent provided the Board a written explanation that she had
20 been charged with evading after quickly leaving an Auto Zone upon being confronted about a
21 theft allegation. Respondent maintained that she did not commit robbery and she is not guilty.
22 However, Respondent’s representations did not align with the responding officer’s report.

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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. Denying the application of Akylah Kierra Davis for a Pharmacy Technician; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 2/3/2026

Sodergren, Digitally signed by
Sodergren, Anne@DCA
Anne@DCA Date: 2026.02.03
18:40:16 -08'00'

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

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