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

In the Matter of the Accusation Against:

Case No. 3667

**TANYA SHERITA DAVIS
1276 W. 39th Street #9
Los Angeles, CA 90037
Pharmacy Technician Registration No. TCH
45240**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about May 11, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3667 against Tanya Sherita Davis (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about July 31, 2003, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 45240 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2011, unless renewed.

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1 3. On or about May 11, 2010, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 3667, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to Business and Professions Code section 136
5 and/or agency specific statute or regulation, is required to be reported and maintained with the
6 Board, which was and is:

7 1276 W. 39th Street #9
8 Los Angeles, CA 90037.

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
11 124.

12 5. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
16 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
17 may nevertheless grant a hearing.

18 6. Respondent failed to file a Notice of Defense within 15 days after service upon her of
19 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3667.

20 7. California Government Code section 11520 states, in pertinent part:

21 (a) If the respondent either fails to file a notice of defense or to appear at the
22 hearing, the agency may take action based upon the respondent's express admissions
23 or upon other evidence and affidavits may be used as evidence without any notice to
24 respondent.

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 3667, finds that
the charges and allegations in Accusation No. 3667, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 *Sherita Davis* (Super. Ct. Los Angeles County, 2004, No. BA284729). Respondent was placed
2 on probation for three years with terms and conditions. On or about March 9, 2007, Respondent
3 was found to be in violation of her probation and was sentenced to 34 days in jail. On or about
4 March 27, 2008, this count was reduced to a misdemeanor.

5 The circumstances surrounding the conviction are that on or about June 3, 2005,
6 Respondent was arrested after beating a woman with a metal baseball bat following a loud verbal
7 argument in a parking lot.

8 5. Respondent has subjected her license to disciplinary action under section 4301,
9 subdivision (f), in that Respondent engaged in unprofessional conduct by committing acts
10 involving moral turpitude. Complainant refers to, and by this reference incorporates, the
11 allegations set forth above in paragraph 4, subparagraphs a and b, as though set forth fully.

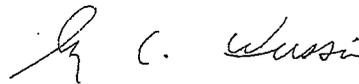
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13 ORDER

14 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 45240, heretofore
15 issued to Respondent Tanya Sherita Davis, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on January 19, 2011.

21 It is so ORDERED December 20, 2010.

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24 _____
25 STANLEY C. WEISSER, BOARD PRESIDENT
26 FOR THE BOARD OF PHARMACY
27 DEPARTMENT OF CONSUMER AFFAIRS

26 60558280.DOC
27 DOJ Matter ID:LA2010501630

28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 M. TRAVIS PEERY
Deputy Attorney General
4 State Bar No. 261887
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-0962
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Accusation Against:
11
12 **TANYA SHERITA DAVIS**
1276 W. 39th Street #9
13 Los Angeles, CA 90037
14 **Pharmacy Technician Registration No. TCH**
15 **45240**
16 Respondent.

Case No. 3667

ACCUSATION

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
21 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about July 31, 2003, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 45240 to Tanya Sherita Davis (Respondent). The Pharmacy
24 Technician Registration was in full force and effect at all times relevant to the charges brought
25 herein and will expire on March 31, 2011, unless renewed.

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7. Section 4301 states, in pertinent part:

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

....

“(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 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 state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall 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 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 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.”

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1 REGULATORY PROVISIONS

2 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

9 COST RECOVERY

10 9. Section 125.3 provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licentiate found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 FIRST CAUSE FOR DISCIPLINE

15 (Convictions of Substantially Related Crimes)

16 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
17 section 490, in conjunction with California Code of Regulations, title 16, section 1770, in that,
18 Respondent was convicted of crimes substantially related to the qualifications, functions or duties
19 of a pharmacy technician. Either one of the convictions is an independent reason for disciplinary
20 action.

21 a. On or about April 30, 2004, after pleading *nolo contendere*, Respondent was
22 convicted of one misdemeanor count of violating Penal Code section 484, subdivision (a) [theft]
23 in the criminal proceeding entitled *The People of the State of California v. Tanya Sherita Davis*
24 (Super. Ct. Los Angeles County, 2004, No. 4WL10386). Respondent was placed on probation
25 for three years with terms and conditions. On or about July 29, 2005, Respondent was found to
26 be in violation of her probation and ordered to serve 10 days in jail.

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1 The circumstances surrounding the conviction are that on or about December 20, 2003,
2 Respondent was arrested at a JCPenneys in Culver City for theft of \$231.96 worth of
3 merchandise.

4 b. On or about February 3, 2006, after pleading *nolo contendere*, Respondent was
5 convicted of one felony count of violating Penal Code section 245, subdivision (a) [assault with a
6 deadly weapon] in the criminal proceeding entitled *The People of the State of California v. Tanya*
7 *Sherita Davis* (Super. Ct. Los Angeles County, 2004, No. BA284729). Respondent was placed
8 on probation for three years with terms and conditions. On or about March 9, 2007, Respondent
9 was found to be in violation of her probation and was sentenced to 34 days in jail. On or about
10 March 27, 2008, this count was reduced to a misdemeanor.

11 The circumstances surrounding the conviction are that on or about June 3, 2005,
12 Respondent was arrested after beating a woman with a metal baseball bat following a loud verbal
13 argument in a parking lot.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct: Commission of any Act Involving Moral Turpitude)**

16 11. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
17 that Respondent engaged in unprofessional conduct by committing acts involving moral
18 turpitude. Complainant refers to, and by this reference incorporates, the allegations set forth
19 above in paragraph 10, subparagraphs a and b, as though set forth fully.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy Technician Registration Number TCH 45240,
24 issued to Tanya Sherita Davis;

25 2. Ordering Tanya Sherita Davis to pay the Board of Pharmacy the reasonable costs of
26 the investigation and enforcement of this case, pursuant to Business and Professions Code section
27 125.3; and

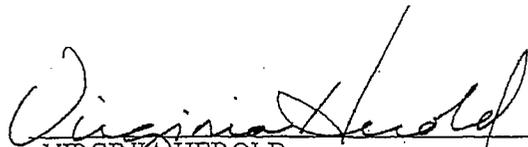
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3. Taking such other and further action as deemed necessary and proper.

DATED:

5/6/10



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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