

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

In the Matter of the Statement of Issues  
Against:

**AYVEN DAVOUDI**

**Intern Pharmacist License**

Respondent.

Case No. 6087

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary 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 November 30, 2017.

It is so ORDERED on October 31, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
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Senior Assistant Attorney General  
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7

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

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 6087

12 **AYVEN DAVOUDI**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 Intern Pharmacist License

14 Respondent.  
15  
16

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

19 PARTIES

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
21 (Board). She brought this action solely in her official capacity and is represented in this matter by  
22 Xavier Becerra, Attorney General of the State of California, by Thomas L. Rinaldi, Supervising  
23 Deputy Attorney General.

24 2. Respondent Ayven Davoudi (Respondent) is represented in this proceeding by  
25 attorney Ivan Petrzelka, PharmD, JD, MBA, whose address is: P.O. Box 552,  
26 Red Bluff, CA 96080.

27 3. On or about October 5, 2016, Respondent filed an application dated August 16, 2016,  
28 with the Board to obtain an Intern Pharmacist License.



1 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
2 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
3 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
4 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
5 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
6 and the Board shall not be disqualified from further action by having considered this matter.

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

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

16 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Board may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that, Respondent's application is granted. Upon satisfaction of  
21 all statutory and regulatory requirements for issuance of a license, a license shall be issued to  
22 respondent and immediately revoked; the order of revocation is stayed and respondent is placed  
23 on probation for 3 (three) years upon the following terms and conditions.

24 IT IS FURTHER HEREBY ORDERED that, should Respondent Ayven Davoudi  
25 subsequently be issued a Pharmacist License by the Board, any remaining probation period shall  
26 apply to the Pharmacist License. That is, upon satisfaction of statutory and regulatory  
27 requirements for issuance thereof, a Pharmacist License shall be issued to Respondent Ayven  
28 Davoudi and shall be immediately revoked, with the revocation stayed and Respondent placed on

1 probation for the remainder of the three (3) years originally ordered (plus any extensions), on the  
2 following terms and conditions.

3 **1. Obey All Laws**

4 Respondent shall obey all state and federal laws and regulations.

5 Respondent shall report any of the following occurrences to the board, in writing, within  
6 seventy-two (72) hours of such occurrence:

- 7 • an arrest or issuance of a criminal complaint for violation of any provision of the  
8 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
9 substances laws
- 10 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
11 criminal complaint, information or indictment
- 12 • a conviction of any crime
- 13 • discipline, citation, or other administrative action filed by any state or federal agency  
14 which involves respondent's Intern Pharmacist License or which is related to the  
15 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
16 or charging for any drug, device or controlled substance.

17 Failure to timely report such occurrence shall be considered a violation of probation.

18 **2. Report to the Board**

19 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
20 designee. The report shall be made either in person or in writing, as directed. Among other  
21 requirements, respondent shall state in each report under penalty of perjury whether there has  
22 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
23 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
24 in submission of reports as directed may be added to the total period of probation. Moreover, if  
25 the final probation report is not made as directed, probation shall be automatically extended until  
26 such time as the final report is made and accepted by the board.

27 **3. Interview with the Board**

1           Upon receipt of reasonable prior notice, respondent shall appear in person for interviews  
2 with the board or its designee, at such intervals and locations as are determined by the board or its  
3 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
4 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
5 the period of probation, shall be considered a violation of probation.

6           **4. Cooperate with Board Staff**

7           Respondent shall cooperate with the board's inspection program and with the board's  
8 monitoring and investigation of respondent's compliance with the terms and conditions of his  
9 probation. Failure to cooperate shall be considered a violation of probation.

10          **5. Continuing Education**

11          Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
12 pharmacist as directed by the board or its designee.

13          **6. Notice to Employers**

14          During the period of probation, respondent shall notify all present and prospective  
15 employers of the decision in case number 6087 and the terms, conditions and restrictions imposed  
16 on respondent by the decision, as follows:

17               Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
18 respondent undertaking any new employment, respondent shall cause his direct supervisor,  
19 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's  
20 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
21 individual(s) has/have read the decision in case number 6087, and terms and conditions imposed  
22 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)  
23 submit timely acknowledgment(s) to the board.

24               If respondent works for or is employed by or through a pharmacy employment service,  
25 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
26 licensed by the board of the terms and conditions of the decision in case number 6087 in advance  
27 of the respondent commencing work at each licensed entity. A record of this notification must be  
28 provided to the board upon request.

1 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
2 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
3 service, respondent shall cause his direct supervisor with the pharmacy employment service to  
4 report to the board in writing acknowledging that he has read the decision in case number 6087  
5 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure  
6 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

7 Failure to timely notify present or prospective employer(s) or to cause that/those  
8 employer(s) to submit timely acknowledgments to the board shall be considered a violation of  
9 probation.

10 "Employment" within the meaning of this provision shall include any full-time,  
11 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
12 position for which a pharmacist license is a requirement or criterion for employment,  
13 whether the respondent is an employee, independent contractor or volunteer.

14 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
15 **Designated Representative-in-Charge, or Serving as a Consultant**

16 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
17 pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board  
18 nor serve as a consultant unless otherwise specified in this order. Assumption of any such  
19 unauthorized supervision responsibilities shall be considered a violation of probation.

20 **8. Probation Monitoring Costs**

21 Respondent shall pay any costs associated with probation monitoring as determined by the  
22 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
23 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
24 be considered a violation of probation.

25 **9. Status of License**

26 Respondent shall, at all times while on probation, maintain an active, current license with  
27 the board, including any period during which suspension or probation is tolled. Failure to  
28 maintain an active, current license shall be considered a violation of probation.

1 If respondent's license expires or is cancelled by operation of law or otherwise at any time  
2 during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
3 renewal or reapplication respondent's license shall be subject to all terms and conditions of this  
4 probation not previously satisfied.

5 **10. License Surrender While on Probation/Suspension**

6 Following the effective date of this decision, should respondent cease practice due to  
7 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
8 respondent may tender his license to the board for surrender. The board or its designee shall have  
9 the discretion whether to grant the request for surrender or take any other action it deems  
10 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent  
11 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
12 record of discipline and shall become a part of the respondent's license history with the board.

13 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to  
14 the board within ten (10) days of notification by the board that the surrender is accepted.  
15 Respondent may not reapply for any license from the board for three (3) years from the effective  
16 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
17 of the date the application for that license is submitted to the board, including any outstanding  
18 costs.

19 **11. Notification of a Change in Name, Residence Address, Mailing Address or**  
20 **Employment**

21 Respondent shall notify the board in writing within ten (10) days of any change of  
22 employment. Said notification shall include the reasons for leaving, the address of the new  
23 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
24 shall further notify the board in writing within ten (10) days of a change in name, residence  
25 address, mailing address, or phone number.

26 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
27 phone number(s) shall be considered a violation of probation.

28 **12. Tolling of Probation**



1 Except during periods of suspension, respondent shall, at all times while on probation, be  
2 employed for the following minimum number of hours per calendar month in California. If he  
3 holds only an intern pharmacist license, he shall be employed as an intern pharmacist for a  
4 minimum of ten (10) hours per month. If he holds a pharmacist License, he shall be employed as  
5 a pharmacist in California for a minimum of forty (40) hours per month.

6 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
7 period of probation shall be extended by one month for each month during which this minimum is  
8 not met. During any such period of tolling of probation, respondent must nonetheless comply  
9 with all terms and conditions of probation.

10 Should respondent, regardless of residency, for any reason (including vacation) cease  
11 practicing for the applicable minimum number of hours per calendar month in California,  
12 respondent must notify the board in writing within ten (10) days of the cessation of practice, and  
13 must further notify the board in writing within ten (10) days of the resumption of practice. Any  
14 failure to provide such notification(s) shall be considered a violation of probation.

15 It is a violation of probation for respondent's probation to remain tolled pursuant to the  
16 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
17 exceeding thirty-six (36) months.

18 "Cessation of practice" means any calendar month during which respondent is  
19 not practicing as an intern pharmacist or pharmacist, as defined by Business and  
20 Professions Code section 4000 et seq. for the applicable minimum number of hours.

21 "Resumption of practice" means any calendar month during which respondent  
22 is practicing as an intern pharmacist or pharmacist as defined by Business and  
23 Professions Code section 4000 et seq. for the applicable minimum number of hours.

### 24 13. Violation of Probation

25 If a respondent has not complied with any term or condition of probation, the board shall  
26 have continuing jurisdiction over respondent, and probation shall automatically be extended, until  
27 all terms and conditions have been satisfied or the board has taken other action as deemed  
28

1 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
2 to impose the penalty that was stayed.

3 If respondent violates probation in any respect, the board, after giving respondent notice  
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
5 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
6 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
7 a petition to revoke probation or an accusation is filed against respondent during probation, the  
8 board shall have continuing jurisdiction and the period of probation shall be automatically  
9 extended until the petition to revoke probation or accusation is heard and decided.

10 **14. Completion of Probation**

11 Upon written notice by the board or its designee indicating successful completion of  
12 probation, respondent's license will be fully restored.

13 **15. Pharmacists Recovery Program (PRP)**

14 In the event that any of Respondent's biological samples confirm positive for any drug not  
15 lawfully prescribed by a licensed practitioner as part of a documented medical treatment,  
16 Respondent shall within thirty (30) days of the confirmed positive test, contact the Pharmacists  
17 Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll, successfully  
18 participate in, and complete the treatment contract and any subsequent addendums as  
19 recommended and provided by the PRP and as approved by the board or its designee. The costs  
20 for PRP participation shall be borne by the respondent.

21 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of  
22 the effective date of this decision is no longer considered a self-referral under Business and  
23 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete  
24 his current contract and any subsequent addendums with the PRP.

25 Failure to timely contact or enroll in the PRP, or successfully participate in and complete  
26 the treatment contract and/or any addendums, shall be considered a violation of probation.

27 Probation shall be automatically extended until respondent successfully completes the PRP.  
28 Any person terminated from the PRP program shall be automatically suspended by the board.

1 Respondent may not resume the practice of pharmacy until notified by the board in writing.

2 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
3 licensed practitioner as part of a documented medical treatment shall result in the automatic  
4 suspension of practice by respondent and shall be considered a violation of probation.

5 Respondent may not resume the practice of pharmacy until notified by the board in writing.

6 During suspension, respondent shall not enter any pharmacy area or any portion of the  
7 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
8 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
9 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
10 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
11 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
12 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
13 and controlled substances. Respondent shall not resume practice until notified by the board.

14 During suspension, respondent shall not engage in any activity that requires the  
15 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
16 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
17 designated representative for any entity licensed by the board.

18 Failure to comply with this suspension shall be considered a violation of probation.

19 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
20 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid  
21 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

22 Respondent shall work in a pharmacy setting with access to controlled substances for six  
23 (6) consecutive months before successfully completing probation. If respondent fails to do so,  
24 probation shall be automatically extended until this condition has been met. Failure to satisfy this  
25 condition within six (6) months beyond the original date of expiration of the term of probation  
26 shall be considered a violation of probation.

27 **16. Random Drug Screening**

28 Respondent, at his own expense, shall participate in random testing, including but not

1 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
2 screening program as directed by the board or its designee. Respondent may be required to  
3 participate in testing for the entire probation period and the frequency of testing will be  
4 determined by the board or its designee. At all times, respondent shall fully cooperate with the  
5 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
6 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
7 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
8 of probation. Upon request of the board or its designee, respondent shall provide documentation  
9 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
10 a necessary part of the treatment of the respondent. Failure to timely provide such documentation  
11 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any  
12 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment  
13 shall be considered a violation of probation and shall result in the automatic suspension of  
14 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until  
15 notified by the board in writing.

16 During suspension, respondent shall not enter any pharmacy area or any portion of the  
17 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
18 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
19 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
20 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
21 consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the  
22 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
23 and controlled substances. Respondent shall not resume practice until notified by the board.

24 During suspension, respondent shall not engage in any activity that requires the  
25 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
26 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
27 designated representative for any entity licensed by the board.

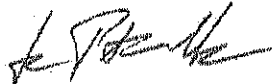
28 Failure to comply with this suspension shall be considered a violation of probation.



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I have read and fully discussed with Respondent Ayven Davoudi the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: October 16, 2017



IVAN PETRZELKA, PHARM.D, JD, MBA  
*Attorney for Respondent*

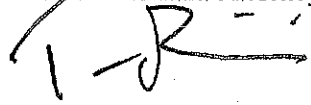
ENDORSEMENT

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

Dated: 10-14-2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
LINDA K. SCHNEIDER  
Senior Assistant Attorney General



THOMAS L. RINALDI  
Supervising Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 6087**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
4 State Bar No. 206911  
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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:

Case No. 6087

12 **AYVEN DAVOUDI**

**STATEMENT OF ISSUES**

13 Intern Pharmacist License Applicant

14 Respondent.

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16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official  
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs  
21 (Board).

22 2. On or about October 5, 2016, the Board received an application for an Intern  
23 Pharmacist License from Ayven Davoudi (Respondent). On or about August 16, 2016,  
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on January 13, 2017.

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1 JURISDICTION

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 unless otherwise  
4 indicated.

5 4. Section 4300 provides in pertinent part, that every license issued by the Board is  
6 subject to discipline, including suspension or revocation.

7 5. Section 4300.1 states:

8 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
9 operation of law or by order or decision of the board or a court of law, the placement of a license  
10 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
11 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
12 proceeding against, the licensee or to render a decision suspending or revoking the license."

13 STATUTORY PROVISIONS

14 6. Section 480 states:

15 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
16 has one of the following:

17 "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
18 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
19 board is permitted to take following the establishment of a conviction may be taken when the time  
20 for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an  
21 order granting probation is made suspending the imposition of sentence, irrespective of a  
22 subsequent order under the provisions of Section 1203.4, 1203.4a, or 1203.41 of the Penal Code.

23 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
24 benefit himself or herself or another, or substantially injure another.

25 "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
26 would be grounds for suspension or revocation of license.

27 ///

28 ///

1           “(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
2 substantially related to the qualifications, functions, or duties of the business or profession for  
3 which application is made.

4           “(b) Notwithstanding any other provision of this code, a person shall not be denied a  
5 license solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
6 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
7 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
8 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
9 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
10 Section 482.

11           “(c) Notwithstanding any other provisions of this code, a person shall not be denied a  
12 license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,  
13 1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been  
14 dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof  
15 of the dismissal.”

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

19           8. Section 4301 states, in pertinent part:

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

23           ....

24           “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
25 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
26 whether the act is a felony or misdemeanor or not.

27           ....

28           ///

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

6           ...

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

24           ....

25           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
26 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
27 federal and state laws and regulations governing pharmacy, including regulations established by  
28 the board or by any other state or federal regulatory agency.



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**SECOND CAUSE FOR DENIAL OF APPLICATION**

**(Acts Involving Dishonesty, Fraud, or Deceit)**

11. Respondent's application is subject to denial under section 480, subdivision (a)(2), in that Respondent committed acts involving dishonesty, fraud, or deceit with the intent to substantially benefit himself, or substantially injure another. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

**THIRD CAUSE FOR DENIAL OF APPLICATION**

**(Acts Warranting Denial of Licensure)**

12. Respondent's application is subject to denial under sections 4301, subdivision (p) and/or (o), and 480, subdivisions (a)(3)A) and (a)(3)(B), in that Respondent committed acts which if done by a licentiate of the business and profession in question, would be grounds for suspension or revocation of his license as follows:

a. Respondent was convicted of crimes substantially related to the qualifications, functions, or duties of a pharmacy technician which to a substantial degree evidence his present or potential unfitness to perform the functions authorized by his license in a manner consistent with the public health, safety, or welfare, in violation of sections 4301, subdivision (l), and 490, in conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

b. Respondent committed acts involving dishonesty, fraud, or deceit, in violation of section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

c. Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to himself, any person, or the public, in violation of section 4301, subdivision (h). Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 10, as though set forth fully.

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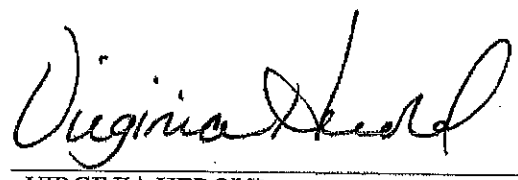
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PRAYER

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 Ayven Davoudi for an Intern Pharmacist License; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 7/17/17



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

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