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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. 7202

13 **SABRINA TAYLOR DAVIS**  
14 **522 Catalina Blvd.**  
**San Diego, CA 92106**

**DEFAULT DECISION AND ORDER**

15 **Pharmacy Technician Registration No. TCH**  
16 **132864**

[Gov. Code, §11520]

17 Respondent.  
18

19 **FINDINGS OF FACT**

20 1. On or about November 18, 2021, Complainant Anne Sodergren, in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
22 filed Accusation No. 7202 against Sabrina Taylor Davis (Respondent) before the Board of  
23 Pharmacy. (Accusation attached as Exhibit A.)

24 2. On or about June 6, 2013, the Board of Pharmacy (Board) issued Pharmacy  
25 Technician Registration No. TCH 132864 to Respondent. The Pharmacy Technician Registration  
26 was in full force and effect at all times relevant to the charges brought in Accusation No. 7202  
27 and will expire on June 30, 2023, unless renewed.

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1           3.     On or about December 7, 2021, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 7202, Statement to Respondent, Notice of Defense, Request  
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of  
6 record was and is 522 Catalina Blvd., San Diego, CA 92106.

7           4.     Service of the Accusation was effective as a matter of law under the provisions of  
8 Government Code section 11505(c) and/or Business and Professions Code section 124.

9           5.     Government Code section 11506(c) states, in pertinent part:

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

15           6.     The Board takes official notice of its records and the fact that Respondent failed to  
16 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore  
17 waived her right to a hearing on the merits of Accusation No. 7202.

18           7.     California Government Code section 11520(a) states, in pertinent part:

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

23           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
26 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
27 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7202,  
28 finds that the charges and allegations in Accusation No. 7202, are separately and severally, found  
to be true and correct by clear and convincing evidence.

          9.     The Board finds that the actual costs for Investigation and Enforcement are \$3,028.75  
as of January 3, 2022.

**DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Sabrina Taylor Davis has subjected her Pharmacy Technician Registration No. TCH 132864 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

a. Respondent has subjected her pharmacy technician registration to disciplinary action under code sections 490 and 4301, subdivisions (h), (k), and (l), in that Respondent was convicted in the San Diego Superior Court of driving under the influence of alcohol on or about April 12, 2019 and on November 17, 2020, under case numbers M257593 and M266470. Respondent has further subjected her pharmacy technician registration to disciplinary action under code section 4301, subdivision (a) and (f), in that Respondent misrepresented her criminal conviction history in the license renewal applications she submitted to the Board in 2019 and 2021, wherein she represented that she had not been convicted of a crime since her prior renewal.

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**ORDER**

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 132864, issued to Respondent Sabrina Taylor Davis, is revoked.

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

This Decision shall become effective on March 9, 2022 at 5.m.

It is so ORDERED on February 7, 2022.

FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

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SD2021801998

Attachment: Exhibit A: Accusation

# Exhibit A

Accusation

1 ROB BONTA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 MICHAEL M. KARIMI  
Deputy Attorney General  
4 State Bar No. 260906  
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*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 7202

14 **SABRINA TAYLOR DAVIS**  
15 **522 Catalina Blvd.**  
**San Diego, CA 92106**

**ACCUSATION**

16 **Pharmacy Technician Registration No.**  
17 **TCH 132864**

18 Respondent.

19  
20 **PARTIES**

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

23 2. On or about June 6, 2013, the Board issued Pharmacy Technician Registration  
24 Number TCH 132864 to Sabrina Taylor Davis (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on June 30, 2023, unless renewed.

27 ///

28 ///

1 **JURISDICTION**

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

5 4. Code section 4300, subdivision (a), states, "Every license issued may be suspended or  
6 revoked."

7 5. Code section 4300.1 states:

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

12 **STATUTORY PROVISIONS**

13 6. Code section 482 states:

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

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

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

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

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

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

24 ...

25 (d) This section shall become operative on July 1, 2020.

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

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1           8.     Code section 493 states:

2               (a) Notwithstanding any other law, in a proceeding conducted by a board within  
3               the department pursuant to law to deny an application for a license or to suspend or  
4               revoke a license or otherwise take disciplinary action against a person who holds a  
5               license, upon the ground that the applicant or the licensee has been convicted of a crime  
              substantially related to the qualifications, functions, and duties of the licensee in  
              question, the record of conviction of the crime shall be conclusive evidence of the fact  
              that the conviction occurred, but only of that fact.

6               (b) (1) Criteria for determining whether a crime is substantially related to the  
7               qualifications, functions, or duties of the business or profession the board regulates  
              shall include all of the following:

8                       (A) The nature and gravity of the offense.

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

10                      (C) The nature and duties of the profession.

11               (2) A board shall not categorically bar an applicant based solely on the type  
12               of conviction without considering evidence of rehabilitation.

13               (c) As used in this section, “license” includes “certificate,” “permit,” “authority,”  
14               and “registration.”

15               ...

16               (e) This section shall become operative on July 1, 2020.

17           9.     Code section 4301 states:

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

21                      (a) Procurement of a license by fraud or misrepresentation.

22               ...

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

26               ...

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

              ...

              (k) The conviction of more than one misdemeanor or any felony involving the  
              use, consumption, or self-administration of any dangerous drug or alcoholic beverage,  
              or any combination of those substances.



(f) 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.

....

### **REGULATORY PROVISIONS**

10. California Code of Regulations, title 16, section 1769, subdivision (c), states:

When considering the suspension or revocation of a facility or a personal license on the ground that the licensee has been convicted of a crime, the board will consider whether the licensee made a showing of rehabilitation and is presently fit for a license, if the licensee completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board will consider the criteria in subdivisions (b)(1)(A) through (E). If the licensee has not completed the criminal sentence at issue without a violation of parole or probation or the board determines that the licensee did not make the showing of rehabilitation based on the criteria in subdivisions (b)(1)(A) through (E), the board will apply the following criteria in evaluating the licensee's rehabilitation:

(1) Nature and gravity of the act(s) or offenses.

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offenses.

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) The criteria in subdivisions (b)(1)(A) through (E), as applicable.

(6) Evidence, if any, of rehabilitation submitted by the licensee, including as provided in the board's Disciplinary Guidelines, identified in section 1760.

11. 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

1 practice, profession, or occupation that may be performed under the license type  
2 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.

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

5 (1) The nature and gravity of the offense;

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

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

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

10 ...

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

### 12 **COST RECOVERY**

13 12. Code section 125.3 provides, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
17 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
18 included in a stipulated settlement.

### 19 **FIRST CAUSE FOR DISCIPLINE**

#### 20 **(April 12, 2019 Criminal Conviction for DUI on March 1, 2019)**

21 13. Respondent has subjected her pharmacy technician registration to disciplinary action  
22 under Code sections 490 and 4301, subdivision (l), because she was convicted of a crime that is  
23 substantially related to the qualifications, functions, and duties of a registered pharmacy  
24 technician. On or about April 12, 2019, in a criminal proceeding entitled *People of the State of*  
25 *California v. Sabrina Taylor Davis*, in San Diego County Superior Court, case number M257593,  
26 Respondent pleaded guilty and was convicted of driving under the influence (DUI) of alcohol  
27 while having a blood alcohol concentration (BAC) of 0.08 percent or more (Veh. Code section  
28 23152, subd. (b)), a misdemeanor. As a result of the conviction, Respondent was granted

1 summary probation for three years, with standard alcohol conditions, and ordered to complete a  
2 three-month First Offender DUI program, the Mothers Against Drunk Driving (MADD) program,  
3 and seven days of labor in the Public Service Program. Respondent was also ordered to pay court  
4 fines and to install an ignition interlock device in any vehicle she operates for three months.

5 14. The circumstances that led to the conviction are that on March 1, 2019, officers with  
6 the San Diego Police Department (SDPD) responded to a reported traffic collision involving two  
7 vehicles. Upon their arrival, SDPD officers made contact with Respondent and an injured party  
8 who was being treated for whiplash. While speaking with Respondent, an officer detected the  
9 odor of alcohol emitting from her person and noticed that Respondent had an unsteady gait,  
10 droopy eyes, and slurred speech. Respondent appeared incoherent and had trouble understanding  
11 basic questions. Respondent admitted to consuming an alcoholic beverage prior to driving.  
12 Respondent refused to participate in field sobriety testing (FST) and a preliminary alcohol  
13 screening. Respondent was arrested for DUI (Veh. Code section 23152, subd. (a)). During  
14 processing, Respondent submitted to a breath test and provided two samples which registered her  
15 BAC at .177 and .187 percent, respectively.

#### 16 **SECOND CAUSE FOR DISCIPLINE**

##### 17 **(November 17, 2020 Criminal Conviction for DUI on October 24, 2019)**

18 15. Respondent has subjected her pharmacy technician registration to disciplinary action  
19 under Code sections 490 and 4301, subdivision (l), because she was convicted of a crime that is  
20 substantially related to the qualifications, functions, and duties of a registered pharmacy  
21 technician. On or about November 17, 2020, in a criminal proceeding entitled *People of the State*  
22 *of California v. Sabrina Taylor Davis*, in San Diego County Superior Court, case number  
23 M266470, Respondent pleaded guilty and was convicted of DUI while having a BAC of 0.08  
24 percent or more – prior DUI within 10 years (Veh. Code section 23152, subd. (b)), a  
25 misdemeanor. As a result of the conviction, Respondent was sentenced to 90 days in the custody  
26 of the San Diego County Sheriff's Department. The custody was stayed, however, and  
27 Respondent was ordered to complete 10 days in CPAC. Respondent was granted summary  
28 probation for five years, with standard alcohol conditions, and was ordered to complete a

1 Multiple Offender DUI program, 80 hours of community service and to pay court fines and fees.

2 16. The circumstances that led to the conviction are that on October 24, 2019, at about  
3 12:20 a.m., SDPD officers responded to a reported traffic collision. Upon their arrival, officers  
4 made contact with Respondent while she was still in her vehicle and they observed that she had  
5 collided with two parked vehicles. While speaking with Respondent, an officer detected the odor  
6 of alcohol on Respondent's breath and noticed that she had bloodshot/watery eyes. A records  
7 check revealed that Respondent was on probation for a prior DUI. During the DUI investigation,  
8 Respondent did not perform the FSTs as directed and she refused the preliminary alcohol  
9 screening even after she was informed that it was a condition of her probation. Respondent was  
10 arrested for DUI (Veh. Code section 23152, subd. (a)). While in the police vehicle, Respondent  
11 began kicking the door of the vehicle and yelling at officers. Respondent's conduct escalated  
12 despite the officer's repeated orders to stop kicking. Officers were required to use pepper spray  
13 to subdue Respondent. During processing, Respondent submitted to a blood test, which measured  
14 her BAC at 0.234 percent.

### 15 **THIRD CAUSE FOR DISCIPLINE**

#### 16 **(Multiple Alcohol-Related Criminal Convictions)**

17 17. Respondent has subjected her pharmacy technician registration to disciplinary action  
18 under Code section 4301, subdivision (k), for unprofessional conduct, because on April 12, 2019,  
19 and November 17, 2020, as described above in paragraphs 13 through 16, and incorporated here  
20 by this reference, Respondent was convicted of multiple misdemeanors involving the  
21 consumption of alcoholic beverages.

### 22 **FOURTH CAUSE FOR DISCIPLINE**

#### 23 **(Dangerous Use of Alcohol)**

24 18. Respondent has subjected her pharmacy technician registration to disciplinary action  
25 under Code section 4301, subdivision (h), for unprofessional conduct, because on March 1, 2019,  
26 and October 24, 2019, as described above in paragraphs 13 through 16, and incorporated here by  
27 this reference, Respondent used alcoholic beverages to an extent or in a manner that was  
28 dangerous and injurious to herself and the public when she operated a motor vehicle while

1 impaired by alcohol.

2 **FIFTH CAUSE FOR DISCIPLINE**

3 **(Procurement of a License by Misrepresentation)**

4 19. Respondent has subjected her pharmacy technician registration to disciplinary action  
5 under Code section 4301, subdivision (a), for unprofessional conduct, because Respondent  
6 misrepresented information in her 2019 and 2021 renewal applications in order to procure her  
7 pharmacy technician registration. The circumstances are as follows:

8 a. In Respondent's renewal application signed under the penalty of perjury and  
9 dated May 6, 2019, Respondent marked "No" when asked if she has had any disciplinary action  
10 against a license or had been convicted of a crime as defined by Code section 490 since her last  
11 renewal. Respondent failed to disclose her April 12, 2019, DUI conviction.

12 b. In Respondent's renewal application signed under the penalty of perjury and  
13 dated May 6, 2021, Respondent again marked "No" when asked if she has had any disciplinary  
14 action against a license or had been convicted of a crime as defined by Code section 490 since her  
15 last renewal. Respondent failed to disclose both her April 12, 2019, and November 17, 2020,  
16 DUI convictions.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Dishonest Acts)**

19 20. Respondent has subjected her pharmacy technician registration to disciplinary action  
20 under Code section 4301, subdivision (f), for unprofessional conduct, because on or about  
21 May 6, 2019, and May 6, 2021, as described above in paragraph 19, and incorporated here by this  
22 reference, Respondent committed dishonest acts by providing false information under the penalty  
23 of perjury in her license renewal applications.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacy Technician Registration Number TCH 132864,  
28 issued to Respondent Sabrina Taylor Davis;

2. Ordering Respondent Sabrina Taylor Davis to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 11/18/2021

Signature on File

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

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