

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

**In the Matter of the Accusation Against:**

**TEMI AKINTEWE, Respondent**

**Pharmacy Technician License No. TCH 113327**

**Agency Case No. 7294**

**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 September 13, 2023.

It is so ORDERED on August 14, 2023.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.  
Board President

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

12  
13 In the Matter of the Accusation Against:

Case No. 7294

14 **TEMI AKINTEWE**  
15 **4 Maple Avenue, #4**  
**South San Francisco, CA 94080**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Pharmacy Technician License No. TCH**  
17 **113327**

Respondent.

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
23 (Board). She brought this action solely in her official capacity and is represented in this matter by  
24 Rob Bonta, Attorney General of the State of California, by Amber N. Wipfler, Deputy Attorney  
25 General.

26 2. Respondent Temi Akintewe (Respondent) is represented by attorney Suzanne M.  
27 Crouts of Chudnovsky Law, whose address is: 2447 Pacific Coast Highway, 2nd Floor, Hermosa  
28 Beach, CA 90254.

3. On or about July 13, 2011, the Board issued Pharmacy Technician License No. TCH 113327 to Respondent. The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought in Accusation No. 7294, and will expire on December 31, 2022, unless renewed.

## JURISDICTION

4. Accusation No. 7294 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on September 1, 2022. Respondent timely filed his Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7294 is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 7294. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 7294.

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10. Respondent agrees that his Pharmacy Technician License is subject to discipline and he agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

## CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacy Technician License No. TCH 113327 issued to Respondent Temi Akintewe is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

**1. Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
- criminal proceeding to any criminal complaint, information or indictment a conviction of any crime

the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

**2. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed,

1 probation shall be automatically extended until such time as the final report is made and accepted  
2 by the board.

3 **3. Interview with the Board**

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

9 **4. Cooperate with Board Staff**

10 Respondent shall timely cooperate with the board's inspection program and with the board's  
11 monitoring and investigation of respondent's compliance with the terms and conditions of his  
12 probation, including but not limited to: timely responses to requests for information by board  
13 staff; timely compliance with directives from board staff regarding requirements of any term or  
14 condition of probation; and timely completion of documentation pertaining to a term or condition  
15 of probation. Failure to timely cooperate shall be considered a violation of probation.

16 **5. Reporting of Employment and Notice to Employers**

17 During the period of probation, respondent shall notify all present and prospective  
18 employers of the decision in case number 7294 and the terms, conditions and restrictions imposed  
19 on respondent by the decision, as follows:

20 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
21 undertaking any new employment, respondent shall report to the board in writing the name,  
22 physical address, and mailing address of each of his employer(s), and the name(s) and telephone  
23 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated  
24 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work  
25 schedule, if known. Respondent shall also include the reason(s) for leaving the prior  
26 employment. Respondent shall sign and return to the board a written consent authorizing the  
27 board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and  
28 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,

1 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
2 requirements or deadlines of this condition shall be considered a violation of probation.

3 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
4 respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b)  
5 his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other  
6 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the  
7 board in writing acknowledging that the listed individual(s) has/have read the decision in case  
8 number 7294, and terms and conditions imposed thereby. If one person serves in more than one  
9 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's  
10 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the  
11 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term  
12 of probation, respondent shall cause the person(s) taking over the role(s) to report to the board in  
13 writing within fifteen (15) days of the change acknowledging that he or she has read the decision  
14 in case number 7294, and the terms and conditions imposed thereby.

15 If respondent works for or is employed by or through an employment service, respondent  
16 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
17 of the decision in case number 7294, and the terms and conditions imposed thereby in advance of  
18 respondent commencing work at such licensed entity. A record of this notification must be  
19 provided to the board upon request.

20 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
21 (15) days of respondent undertaking any new employment by or through an employment service,  
22 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
23 to report to the board in writing acknowledging that he or she has read the decision in case  
24 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
25 ensure that these acknowledgment(s) are timely submitted to the board.

26 Failure to timely notify present or prospective employer(s) or failure to cause the identified  
27 person(s) with that/those employer(s) to submit timely written acknowledgments to the board  
28 shall be considered a violation of probation.

1       “Employment” within the meaning of this provision includes any full-time, part-time,  
2 temporary, relief, or employment/management service position as a pharmacy technician, or any  
3 position for which a pharmacy technician is a requirement or criterion for employment, whether  
4 the respondent is an employee, independent contractor or volunteer.

5       **6. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

6       Respondent shall further notify the board in writing within ten (10) days of any change in  
7 name, residence address, mailing address, e-mail address or phone number.

8       Failure to timely notify the board of any change in employer, name, address, or phone  
9 number shall be considered a violation of probation.

10       **7. Reimbursement of Board Costs**

11       As a condition precedent to successful completion of probation, respondent shall pay to the  
12 board its costs of investigation and prosecution in the amount of \$3,000.00.

13       Respondent shall be permitted to pay these costs in a payment plan approved by the board  
14 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
15 date of probation.

16       **8. Probation Monitoring Costs**

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

21       **9. Status of License**

22       Respondent shall, at all times while on probation, maintain an active, current Pharmacy  
23 Technician License with the board, including any period during which suspension or probation is  
24 tolled. Failure to maintain an active, current Pharmacy Technician License shall be considered a  
25 violation of probation.

26       If respondent's Pharmacy Technician License expires or is cancelled by operation of law or  
27 otherwise at any time during the period of probation, including any extensions thereof due to  
28



1 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all  
2 terms and conditions of this probation not previously satisfied.

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

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

12 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall  
13 license, including any indicia of licensure not previously provided to the board within ten (10)  
14 days of notification by the board that the surrender is accepted if not already provided.  
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. Certification Prior to Resuming Work**

20 Respondent shall be suspended, and shall not work as a pharmacy technician, until he has  
21 been certified as defined by Business and Professions Code section 4202, subdivision (a)(4), has  
22 submitted proof of certification to the board, and has been notified by the board or its designee  
23 that he may begin work. Failure to achieve certification within six (6) months of the effective date  
24 shall be considered a violation of probation.

25 During suspension, respondent shall not enter any pharmacy area or any portion of any  
26 other board licensed premises of a wholesaler, third-party logistics provider, veterinary food-  
27 animal drug retailer or any other distributor of drugs which is licensed by the board, or any  
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1 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled  
2 substances are maintained.

3 Respondent shall not do any act involving drug selection, selection of stock, manufacturing,  
4 compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the  
5 board. Respondent shall not have access to or control the ordering, distributing, manufacturing or  
6 dispensing of dangerous drugs and/or dangerous devices or controlled substances.

7 During this suspension, respondent shall not engage in any activity that requires licensure  
8 as a pharmacy technician. Respondent shall not direct or control any aspect of the practice of  
9 pharmacy or of the manufacture, distribution, wholesaling, or retailing of dangerous drugs and/or  
10 dangerous devices, or controlled substances.

11 Failure to comply with any such suspension shall be considered a violation of probation.

12 **12. Practice Requirement – Extension of Probation**

13 Except during periods of suspension, respondent shall, at all times while on probation, be  
14 employed as a pharmacy technician in California for a minimum of 80 hours per calendar month.  
15 Any month during which this minimum is not met shall extend the period of probation by one  
16 month. During any such period of insufficient employment, respondent must nonetheless comply  
17 with all terms and conditions of probation, unless respondent receives a waiver in writing from  
18 the board or its designee.

19 If respondent does not practice as a pharmacy technician in California for the minimum  
20 number of hours in any calendar month, for any reason (including vacation), respondent shall  
21 notify the board in writing within ten (10) days of the conclusion of that calendar month. This  
22 notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s)  
23 for the interruption or reduction in practice; and the anticipated date(s) on which respondent will  
24 resume practice at the required level. Respondent shall further notify the board in writing within  
25 ten (10) days following the next calendar month during which respondent practices as a pharmacy  
26 technician in California for the minimum of hours. Any failure to timely provide such  
27 notification(s) shall be considered a violation of probation.  
28

1 It is a violation of probation for respondent's probation to be extended pursuant to the  
2 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
3 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
4 probation period on its website.

### 5 13. Violation of Probation

6 If respondent has not complied with any term or condition of probation, the board shall  
7 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
8 that probation shall automatically be extended, until all terms and conditions have been satisfied  
9 or the board has taken other action as deemed appropriate to treat the failure to comply as a  
10 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
11 board or its designee may post a notice of the extended probation period on its website.

12 If respondent violates probation in any respect, the board, after giving respondent notice  
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
14 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
15 probation, or the preparation of an accusation or petition to revoke probation is requested from  
16 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
17 probation shall be automatically extended until the petition to revoke probation or accusation is  
18 heard and decided.

### 19 14. Completion of Probation

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

### 22 15. Drug and Alcohol Testing

23 Respondent, at his own expense, shall participate in testing as directed by the board or its  
24 designee for the detection of alcohol, controlled substances, and dangerous drugs and/or  
25 dangerous devices. Testing protocols may include biological fluid testing (urine, blood),  
26 breathalyzer, hair follicle testing, or other testing protocols as directed by the board or its  
27 designee. All testing must be pursuant to an observed testing protocol, unless respondent is  
28 informed otherwise in writing by the board or its designee. Respondent may be required to

1 participate in testing for the entire probation period and frequency of testing will be determined  
2 by the board or its designee.

3 By no later than thirty (30) days after the effective date of this decision, respondent shall  
4 have completed all of the following tasks: enrolled and registered with an approved drug and  
5 alcohol testing vendor; provided that vendor with any documentation, and any information  
6 necessary for payment by respondent; commenced testing protocols, including all required  
7 contacts with the testing vendor to determine testing date(s); and begun testing. At all times,  
8 respondent shall fully cooperate with the testing vendor, and with the board or its designee, with  
9 regard to enrollment, registration, and payment for, and compliance with, testing. Any failure to  
10 cooperate timely shall be considered a violation of probation.

11 Respondent may be required to test on any day, including weekends and holidays.  
12 Respondent is required to make daily contact with the testing vendor to determine if a test is  
13 required, and if a test is required must submit to testing on the same day.

14 Prior to any vacation or other period of absence from the area where the approved testing  
15 vendor provides services, respondent shall seek and receive approval from the board or its  
16 designee to use an alternate testing vendor to ensure testing can occur. Upon approval,  
17 respondent shall enroll and register with the approved alternate drug testing vendor, provide to  
18 that alternate vendor any documentation required by the vendor, including any necessary payment  
19 by respondent. During the period of absence of the area, respondent shall commence testing  
20 protocols with the alternate vendor, including required daily contacts with the testing vendor to  
21 determine if testing is required, and required testing. Any failure to timely seek or receive  
22 approval from the board or its designee, or to timely enroll and register with, timely commence  
23 testing protocols with, or timely undergo testing with, the alternate testing vendor, shall be  
24 considered a violation of probation.

25 Upon detection of an illicit drug, controlled substance or dangerous drug, the board or its  
26 designee may require respondent to timely provide documentation from a licensed practitioner  
27 authorized to prescribe the detected substance demonstrating that the substance was administered  
28

1 or ingested pursuant to a legitimate prescription issued as a necessary part of treatment. All such  
2 documentation shall be provided by respondent within ten (10) days of being requested.

3 Any of the following shall be considered a violation of probation and shall result in  
4 respondent being immediately suspended from practice as a pharmacy technician until notified by  
5 the board in writing that he may resume practice: failure to timely complete all of the steps  
6 required for enrollment/registration with the drug testing vendor, including making arrangements  
7 for payment; failure to timely commence drug testing protocols; failure to contact the drug testing  
8 vendor as required to determine testing date(s); failure to test as required; failure to timely supply  
9 documentation demonstrating that a detected substance was taken pursuant to a legitimate  
10 prescription issued as a necessary part of treatment; and/or detection through testing of alcohol, or  
11 of an illicit drug, or of a controlled substance or dangerous drug absent documentation that the  
12 detected substance was taken pursuant to a legitimate prescription and a necessary treatment. In  
13 the event of a suspension ordered after detection through testing of alcohol, an illicit drug, or of a  
14 controlled substance or dangerous drug absent documentation that the detected substance was  
15 taken pursuant to a legitimate prescription and a necessary treatment, the board or its designee  
16 shall inform respondent of the suspension and inform him to immediately leave work, and shall  
17 notify respondent's employer(s) and work site monitor(s) of the suspension.

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

27 During any such suspension, respondent shall not engage in any activity that requires the  
28 professional judgment of and/or licensure as a pharmacy technician. Respondent shall not direct

1 or control any aspect of the practice of pharmacy, or of the manufacturing, distributing,  
2 wholesaling, or retailing of dangerous drugs and/or dangerous devices.

3 Failure to comply with any such suspension shall be considered a violation of probation.  
4 Failure to comply with any requirement or deadline stated by this term shall be considered a  
5 violation of probation.

#### 6 **16. Notification of Departure**

7 Prior to leaving the probationary geographic area designated by the board or its designee for  
8 a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in  
9 writing of the dates of departure and return. Failure to comply with this provision shall be  
10 considered a violation of probation.

#### 11 **17. Abstain from Drugs and Alcohol**

12 Respondent shall completely abstain from the possession or use of alcohol, controlled  
13 substances, illicit drugs, dangerous drugs and/or dangerous devices, or their associated  
14 paraphernalia, except when possessed or used pursuant to a legitimate prescription issued as a  
15 necessary part of treatment. Respondent shall ensure that he is not in the same physical location  
16 as individuals who are using illicit substances even if respondent is not personally ingesting the  
17 drugs. Any possession or use of alcohol, dangerous drugs and/or dangerous devices or controlled  
18 substances, or their associated paraphernalia for which a legitimate prescription has not been  
19 issued as a necessary part of treatment, or any physical proximity to persons using illicit  
20 substances, shall be considered a violation of probation.

#### 21 **18. Prescription Coordination and Monitoring of Prescription Use**

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the  
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
24 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's  
25 history with the use of alcohol, and who will coordinate and monitor any prescriptions for  
26 respondent for dangerous drugs and/or dangerous devices, controlled substances or mood-altering  
27 drugs. The approved practitioner shall be provided with a copy of the board's Accusation and  
28 decision. A record of this notification must be provided to the board or its designee upon request.

1 Respondent shall sign a release authorizing the practitioner to communicate with the board or its  
2 designee about respondent's treatment(s). The coordinating physician, nurse practitioner,  
3 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of  
4 probation regarding respondent's compliance with this condition. If any substances considered  
5 addictive have been prescribed, the report shall identify a program for the time limited use of any  
6 such substances. The board or its designee may require that the single coordinating physician,  
7 nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or  
8 consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision  
9 by the approved practitioner, respondent shall notify the board or its designee immediately and,  
10 within thirty (30) days of ceasing supervision, submit the name of a replacement physician, nurse  
11 practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee  
12 for its prior approval. Failure to timely submit the selected practitioner or replacement  
13 practitioner to the board or its designee for approval, or to ensure the required quarterly reporting  
14 thereby, shall be considered a violation of probation.

15 If at any time an approved practitioner determines that respondent is unable to practice  
16 safely or independently as a pharmacy technician, the practitioner shall notify the board or its  
17 designee immediately by telephone and follow up by written letter within three (3) working days.  
18 Upon notification from the board or its designee of this determination, respondent shall be  
19 automatically suspended and shall not resume practice as a pharmacy technician until notified by  
20 the board or its designee that practice may be resumed.

21 During any suspension, respondent shall not enter any pharmacy area or any portion of the  
22 licensed premises of a wholesaler, third-party logistics provider, veterinary food-animal drug  
23 retailer, or any other distributor of drugs which is licensed by the board, or any manufacturer, or  
24 any area where dangerous drugs and/or dangerous devices or controlled substances are  
25 maintained. Respondent shall not practice pharmacy nor do any act involving drug selection,  
26 selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall  
27 respondent manage, administer, or be a consultant to any licensee of the board, or have access to  
28 or control the ordering, distributing, manufacturing or dispensing of dangerous drugs and/or

1 dangerous devices and controlled substances. Respondent shall not resume practice until notified  
2 by the board.

3 During any suspension, respondent shall not engage in any activity that requires the  
4 professional judgment and/or licensure as a pharmacy technician. Respondent shall not direct or  
5 control any aspect of the practice of pharmacy or of the manufacturing, distributing, wholesaling,  
6 or retailing of dangerous drugs and/or dangerous devices or controlled substances.

7 Failure to comply with any requirement or deadline stated by this term shall be considered a  
8 violation of probation.

9 **19. Attend Substance Abuse Recovery Relapse Prevention and Support Groups**

10 Within thirty (30) days of the effective date of this decision, respondent shall begin regular  
11 attendance at a recognized and established substance abuse recovery support group in California  
12 (e.g., Alcoholics Anonymous, Narcotics Anonymous, etc.) which has been approved by the board  
13 or its designee. Respondent must attend the number of group meetings per week or month  
14 directed by the board or its designee, which shall typically be at least one per week. Respondent  
15 shall continue regular attendance and submit signed and dated documentation confirming  
16 attendance with each quarterly report for the duration of probation. Failure to attend or submit  
17 documentation thereof shall be considered a violation of probation.

18 Where respondent is enrolled in the PRP, participation as required in a recovery group  
19 meeting approved by the PRP shall be sufficient for satisfaction of this requirement. Any  
20 deviation from participation requirements for the PRP-approved group shall be considered a  
21 violation of probation.

22 **20. No Ownership or Management of Licensed Premises**

23 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,  
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
25 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or  
26 transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days  
27 following the effective date of this decision and shall immediately thereafter provide written  
28



1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
2 documentation thereof shall be considered a violation of probation.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my  
6 Pharmacy Technician License. I enter into this Stipulated Settlement and Disciplinary Order  
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
8 Board of Pharmacy.

9  
10 DATED: \_\_\_\_\_

11 TEMI AKINTEWE  
12 *Respondent*  
13

14 I have read and fully discussed with Respondent Temi Akintewe the terms and conditions  
15 and other matters contained in this Stipulated Settlement and Disciplinary Order. I approve its  
16 form and content.

17 DATED: \_\_\_\_\_

18 SUZANNE M. CROUTS  
19 *Attorney for Respondent*  
20  
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26


27 **ENDORSEMENT**  
28

1 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
2 documentation thereof shall be considered a violation of probation.

3 **ACCEPTANCE**

4 I have carefully read the Stipulated Settlement and Disciplinary Order and have fully  
5 discussed it with my attorney. I understand the stipulation and the effect it will have on my  
6 Pharmacy Technician License. I enter into this Stipulated Settlement and Disciplinary Order  
7 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
8 Board of Pharmacy.

9  
10 DATED: 7/5/2023

  
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11 TEMI AKINTEWE  
12 Respondent  
13

14 I have read and fully discussed with Respondent Temi Akintewe the terms and conditions  
15 and other matters contained in this Stipulated Settlement and Disciplinary Order. I approve its  
16 form and content.

17 DATED: 07-05-2023

  
18 Attorney for Respondent  
19  
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24  
25  
26

27 **ENDORSEMENT**  
28

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

3           DATED: \_\_\_\_\_  
4

Respectfully submitted,

5           ROB BONTA  
6           Attorney General of California  
7           JOSHUA A. ROOM  
8           Supervising Deputy Attorney General

9           AMBER N. WIPFLER  
10          Deputy Attorney General  
11          Attorneys for Complainant

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**ENDORSEMENT**

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

DATED: July 5, 2023

Respectfully submitted,

ROB BONTA  
Attorney General of California  
JOSHUA A. ROOM  
Supervising Deputy Attorney General



AMBER N. WIPFLER  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7294**

1 ROB BONTA  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 AMBER N. WIPFLER  
Deputy Attorney General  
4 State Bar No. 238484  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3550  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*  
7

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. 7294

13 **TEMI AKINTEWE**  
14 **4 Maple Avenue, #4**  
**South San Francisco, CA 94080**

**ACCUSATION**

15 **Pharmacy Technician License No. TCH 113327**

16 Respondent.

17  
18 **PARTIES**

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

21 2. On or about July 13, 2011, the Board of Pharmacy issued Pharmacy Technician  
22 License Number TCH 113327 to Temi Akintewe (Respondent). The Pharmacy Technician  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on December 31, 2022, unless renewed.

25 **JURISDICTION**

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

1           4.     Section 118, subdivision (b) of the Code states:

2                 The suspension, expiration, or forfeiture by operation of law of a license issued  
3                 by a board in the department, or its suspension, forfeiture, or cancellation by order of  
4                 the board or by order of a court of law, or its surrender without the written consent of  
5                 the board, shall not, during any period in which it may be renewed, restored, reissued,  
6                 or reinstated, deprive the board of its authority to institute or continue a disciplinary  
7                 proceeding against the licensee upon any ground provided by law or to enter an order  
8                 suspending or revoking the license or otherwise taking disciplinary action against the  
9                 licensee on any such ground.

10           5.     Section 4300 of the Code states, in pertinent part:

11                 (a) Every license issued may be suspended or revoked.

12                 (b) The board shall discipline the holder of any license issued by the board,  
13                 whose default has been entered or whose case has been heard by the board and found  
14                 guilty, by any of the following methods:

15                     (1) Suspending judgment.

16                     (2) Placing him or her upon probation.

17                     (3) Suspending his or her right to practice for a period not exceeding one year.

18                     (4) Revoking his or her license.

19                     (5) Taking any other action in relation to disciplining him or her as the board in  
20                     its discretion may deem proper.

21                 ...

22                 (e) The proceedings under this article shall be conducted in accordance with  
23                 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government  
24                 Code, and the board shall have all the powers granted therein. The action shall be final,  
25                 except that the propriety of the action is subject to review by the superior court pursuant to  
26                 Section 1094.5 of the Code of Civil Procedure.

27           6.     Section 4300.1 of the Code states:

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

///

## STATUTORY PROVISIONS

7. Section 4301 of the Code 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 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...

(h) The administering to oneself, of any controlled substance, or the use of any 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.

...

(i) 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.

...

8. Section 490 of the Code states:

(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.



1 (c) A conviction within the meaning of this section means a plea or verdict of  
2 guilty or a conviction following a plea of nolo contendere. Any action that a board is  
3 permitted to take following the establishment of a conviction may be taken when the  
4 time for appeal has elapsed, or the judgment of conviction has been affirmed on  
5 appeal, or when an order granting probation is made suspending the imposition of  
6 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of  
7 the Penal Code.

8 (d) The Legislature hereby finds and declares that the application of this section  
9 has been made unclear by the holding in *Petropoulos v. Department of Real Estate*  
10 (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a significant  
11 number of statutes and regulations in question, resulting in potential harm to the  
12 consumers of California from licensees who have been convicted of crimes.  
13 Therefore, the Legislature finds and declares that this section establishes an  
14 independent basis for a board to impose discipline upon a licensee, and that the  
15 amendments to this section made by Chapter 33 of the Statutes of 2008 do not  
16 constitute a change to, but rather are declaratory of, existing law.

17 9. Section 493, subdivisions (a) and (b) of the Code state:

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

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

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

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

(C) The nature and duties of the profession.

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

### **REGULATORY PROVISIONS**

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

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

1 **COST RECOVERY**

2 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
3 administrative law judge to direct a licensee found to have committed a violation or violations of  
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
5 enforcement of the case.

6 **FACTUAL ALLEGATIONS**

7 12. On or about May 4, 2022, in the Superior Court of California, County of San  
8 Francisco, case number 22001691, Respondent pled nolo contendere to driving while having a  
9 0.08% or higher blood alcohol content, a misdemeanor. (Veh. Code, § 23152, subd. (b).)  
10 Respondent was placed on three years of probation with certain terms and conditions which  
11 included serving two days in jail; attending and completing a nine-month First Offenders  
12 Program; attending one Mothers Against Drunk Driving victim impact panel; abiding by all laws;  
13 and paying various court-related fines and fees.

14 13. The circumstances of the conviction are that on or about February 18, 2022, at  
15 approximately 3:39 a.m., a California Highway Patrol Officer arrested Respondent for driving  
16 while under the influence of alcohol in violation of California Vehicle Code section 23152(a).  
17 The officer and their partner pulled Respondent over after observing him weaving side to side in a  
18 serpentine manner on I-80 and US-101 in San Francisco. The officer observed that a strong odor  
19 of an alcoholic beverage was emanating from the vehicle and that Respondent's speech was  
20 slurred. The officer administered a series of field sobriety tests, during which the officer observed  
21 objective signs of impairment. Respondent's blood sample was found to have an alcohol content  
22 of 0.295%.

23 **FIRST CAUSE FOR DISCIPLINE**

24 (Unprofessional Conduct - Substantially-Related Conviction)  
25 [Bus. & Prof. Code, § 4301, subd. (h)]

26 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (h),  
27 in that he administered to himself alcoholic beverages to the extent or in a manner as to be  
28

1 dangerous or injurious to himself and/or the public. The circumstances are set forth in paragraph  
2 11 and 12, above.

3 **SECOND CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct - Substantially-Related Conviction)

5 [Bus. & Prof. Code, § 4301, subd. (l)]

6 15. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),  
7 in that he was convicted of an offense substantially related to the qualifications, functions, and  
8 duties of a licensed pharmacy technician. The circumstances are set forth in paragraph 11 and 12,  
9 above.

10 **PRAYER**

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

13 1. Revoking or suspending Pharmacy Technician License Number TCH 113327, issued  
14 to Temi Akintewe, pursuant to Code section 4301, subdivision (l);

15 2. Ordering Temi Akintewe to pay the Board of Pharmacy the reasonable costs of the  
16 investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

18  
19  
20 DATED: 8/9/2022

Signature on File

21 ANNE SODERGREN  
22 Executive Officer  
23 Board of Pharmacy  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

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