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

In the Matter of the Accusation Against:

KEVIN NNAMDI KANU
5844 W. Richert Ave.
Fresno, CA 93722

**Intern Pharmacist License Number
INT 43161**

Respondent.

Case Number 7352

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about January 20, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation Number 7352 against Kevin Nnamdi Kanu (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about September 5, 2018, the Board of Pharmacy (Board) issued Intern Pharmacist License Number INT 43161 to Respondent. The Intern Pharmacist License expired on May 31, 2022, and has not been renewed.

3. On or about January 30, 2023, Respondent was served by Certified and First Class Mail copies of Accusation Number 7352, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
3 section 4100, is required to be reported and maintained with the Board. Respondent's address of
4 record was and is: 5844 W. Richert Ave., Fresno, CA 93722.

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

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

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

13 6. The Board takes official notice of its records and the fact that Respondent failed to
14 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
15 waived his right to a hearing on the merits of Accusation Number 7352.

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

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
24 finds that the charges and allegations in Accusation Number 7352 are, separately and severally,
25 true and correct by clear and convincing evidence.

26 9. The Board finds that the actual costs for Investigation and Enforcement are \$3,100.00
27 as of March 14, 2023.

28 **DETERMINATION OF ISSUES**

1. Based on the foregoing findings of fact, Respondent Kevin Nnamdi Kanu has
subjected his Intern Pharmacist License Number INT 43161 to discipline.

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

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 KAREN R. DENVIR
Supervising Deputy Attorney General
3 DANIEL D. MCGEE
Deputy Attorney General
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6 Telephone: (916) 210-7895
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case Number 7352

13 **KEVIN NNAMDI KANU**
14 5844 W. Richert Ave.
Fresno, CA 93722

ACCUSATION

15 **Intern Pharmacist License Number**
16 **INT 43161**

17 Respondent.

18
19 **PARTIES**

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

22 2. On or about September 5, 2018, the Board issued Intern Pharmacist License Number
23 INT 43161 to Kevin Nnamdi Kanu (Respondent). The Intern Pharmacist License expired on May
24 31, 2022, and has not been 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. Code section 4300 states, in pertinent part:

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

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

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

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

9 (4) Revoking his or her license.

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

11 5. Code section 4300.1 states:

12 The expiration, cancellation, forfeiture, or suspension of a board-issued license
13 by operation of law or by order or decision of the board or a court of law, the
14 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
15 investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

16 **STATUTORY PROVISIONS**

17 6. Code section 4301 states, in pertinent part:

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
conduct shall include, but is not limited to, any of the following:

20 ...

21 (j) The violation of any of the statutes of this state, of any other state, or of the
United States regulating controlled substances and dangerous drugs.

22 ...

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

26 ...

27 7. Code section 4022 states:

28 “Dangerous drug” or “dangerous device” means any drug or device unsafe for
self-use in humans or animals, and includes the following:

1 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing
2 without prescription," "Rx only," or words of similar import.

3 (b) Any device that bears the statement: "Caution: federal law restricts this device
4 to sale by or on the order of a _____," "Rx only," or words of similar import, the blank
5 to be filled in with the designation of the practitioner licensed to use or order use of the
6 device.

7 (c) Any other drug or device that by federal or state law can be lawfully dispensed
8 only on prescription or furnished pursuant to Section 4006.

9 8. Code section 4060 states, in pertinent part:

10 A person shall not possess any controlled substance, except that furnished to a
11 person upon the prescription of a physician, dentist, podiatrist, optometrist,
12 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant
13 to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a
14 nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to
15 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist
16 pursuant to Section 4052.1, 4052.2, or 4052.6. This section does not apply to the
17 possession of any controlled substance by a manufacturer, wholesaler, third-party
18 logistics provider, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
19 veterinarian, naturopathic doctor, certified nurse-midwife, nurse practitioner, or
20 physician assistant, if in stock in containers correctly labeled with the name and
21 address of the supplier or producer.

22 ...

23 9. Health & Safety Code section 11350, subdivision (a) states in pertinent part that every
24 person who possesses any controlled substance without a written prescription of a physician,
25 dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by
26 imprisonment in a county jail.

27 **COST RECOVERY**

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

DRUG INFORMATION

11. *Psilocybin*, also known by the street name mushrooms, is a Schedule I controlled
substance as designated by Health and Safety Code section 11054, subdivision (d)(18), and a

1 dangerous drug within the meaning of Code section 4022.

2 12. *Methylenedioxymethamphetamine (MDMA)*, also known by the street name ecstasy,
3 is a Schedule I controlled substance as designated by Health and Safety Code section 11054,
4 subdivision (d)(6), and a dangerous drug within the meaning of Code section 4022.

5 **CAUSE FOR DISCIPLINE**

6 **(Violation of Statute Regulating Controlled Substances)**

7 13. Respondent is subject to disciplinary action pursuant to Code section 4301,
8 subdivision (j), in conjunction with Health & Safety Code section 11350, by and through Code
9 section 4301, subdivision (o), in that while a licensed intern pharmacist, Respondent violated
10 statutes of this state regulating controlled substances by possessing controlled substances as
11 follows:

12 a. On or about April 17, 2022, an officer with the California Department of
13 Alcohol and Beverage Control was conducting surveillance at the Coachella Valley Music and
14 Arts Festival, located in Indio, California. The officer observed a male, identified as Respondent,
15 remove a pill from a bag and conceal it in his hand. The officer was unable to locate anything in
16 Respondent's hand, but a subsequent search of Respondent's person revealed that he was in
17 possession of 2.8 grams of presumptive positive Psilocybin and 2 grams presumptive positive
18 MDMA.

19 **PRAYER**

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

22 1. Revoking or suspending Intern Pharmacist License Number INT 43161, issued to
23 Kevin Nnamdi Kanu;

24 2. Ordering Kevin Nnamdi Kanu to pay the Board of Pharmacy the reasonable costs of
25 the investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3; and,

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

DATED: 1/20/2023

Sodergren,
Anne@DCA
Digitally signed by Sodergren,
Anne@DCA
Date: 2023.01.20 06:56:41 -08'00'

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

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