

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

In the Matter of the Accusation Against:

KIANI KIJURA PAYNE, Respondent

Pharmacy Technician Registration No. TCH 161319

Agency Case No. 7664

OAH No. 2023110788

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 October 4, 2024.

It is so ORDERED on September 4, 2024.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 DAVID E. BRICE
Supervising Deputy Attorney General
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8

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

13 In the Matter of the Accusation Against:

14 **KIANI KIJURA PAYNE**
7625 Zephyr Hills Way
15 Antelope, CA 95843

16 **Pharmacy Technician Registration No. TCH**
17 **161319**

18 Respondent.

Case No. 7664

OAH No. 2023110788

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

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

22 **PARTIES**

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

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1 **CULPABILITY**

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 7664.

4 9. Respondent agrees that her Pharmacy Technician Registration is subject to discipline
5 and she agrees to be bound by the Disciplinary Order below.

6 **CONTINGENCY**

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

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

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

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1 discipline, including outright revocation, of Respondent's Pharmacy Technician Registration No.
2 TCH 161319.

3 **ACCEPTANCE**

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

9
10 DATED: _____
11 **KIANI KIJURA PAYNE**
Respondent

12 I have read and fully discussed with Respondent Kiani Kijura Payne the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
14 for Public Repeval. I approve its form and content.

15 DATED: _____
16 **JONATHAN C. TURNER**
Attorney for Respondent

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2 TCH 161319.

3 ACCEPTANCE

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5 Repeval and have fully discussed it with my attorney, Jonathan C. Turner. I understand the
6 stipulation and the effect it will have on my Pharmacy Technician Registration. I enter into this
7 Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and
8 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

9
10 DATED: 7/29/24 
11 KIANI KIJURA PAYNE
Respondent

12 I have read and fully discussed with Respondent Kiani Kijura Payne the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
14 for Public Repeval. I approve its form and content.

15 DATED: 7/29/24 
16 JONATHAN C. TURNER
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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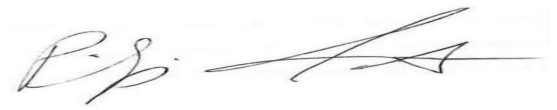
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: July 29, 2024

Respectfully submitted,

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General



PHILLIP L. ARTHUR
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7664

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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 7664

14 **KIANI KIJURA PAYNE**
7625 Zephyr Hills Way
15 Antelope, CA 95843

FIRST AMENDED
ACCUSATION

16 **Pharmacy Technician Registration No. TCH**
161319

17 Respondent.
18

19 **PARTIES**

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

23 2. On or about June 12, 2017, the Board issued Pharmacy Technician Registration
24 Number TCH 161319 to Kiani Kijura Payne (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 October 31, 2024, unless renewed.

27 **JURISDICTION**

28 3. This First Amended Accusation is brought before the Board, under the authority of

1 the following laws. All section references are to the Business and Professions Code (Code)
2 unless otherwise indicated.

3 4. Code section 4300, subdivision (a), states, “Every license issued may be suspended or
4 revoked.”

5 5. Code section 4300.1 states:

6 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
7 operation of law or by order or decision of the board or a court of law, the placement of a
8 license on a retired status, or the voluntary surrender of a license by a licensee shall not
9 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.

10 6. Code section 4307 states, in pertinent part:

11 (a) Any person who has been denied a license or whose license has been revoked or is
12 under suspension, or who has failed to renew his or her license while it was under
13 suspension ... shall be prohibited from serving as a manager, administrator, owner,
14 member, officer, director, associate, partner, or in any other position with management or
control of a licensee as follows:

15 (1) Where a probationary license is issued or where an existing license is placed on
16 probation, this prohibition shall remain in effect for a period not to exceed five years.

17 (2) Where the license is denied or revoked, the prohibition shall continue until the
18 license is issued or reinstated. . . .

18 **STATUTORY PROVISIONS**

19 7. Code section 4301 states, in pertinent part:

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

22 ...

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

25 (g) Knowingly making or signing any certificate or other document that falsely
26 represents the existence or nonexistence of a state of facts.

27 ...

28 (l) The conviction of a crime substantially related to the qualifications,
functions, and duties of a licensee under this chapter. The record of conviction of a

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

18 . . .

19 (p) Actions or conduct that would have warranted denial of a license. . . .

20 8. Code section 480 states, in pertinent part:

21 (a) Notwithstanding any other provision of this code, a board may deny a
22 license regulated by this code on the grounds that the applicant has been convicted of
23 a crime or has been subject to formal discipline only if either of the following
24 conditions are met:

25 . . .

26 (2) The applicant has been subjected to formal discipline by a licensing board in
27 or outside California within the preceding seven years from the date of application
28 based on professional misconduct that would have been cause for discipline before
the board for which the present application is made and that is substantially related to
the qualifications, functions, or duties of the business or profession for which the
present application is made. However, prior disciplinary action by a licensing board
within the preceding seven years shall not be the basis for denial of a license if the
basis for that disciplinary action was a conviction that has been dismissed pursuant to
Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a
comparable dismissal or expungement. Formal discipline that occurred earlier than
seven years preceding the date of application may be grounds for denial of a license
only if the formal discipline was for conduct that, if committed in this state by a
physician and surgeon licensed pursuant to Chapter 5 (commencing with Section
2000) of Division 2, would have constituted an act of sexual abuse, misconduct, or
relations with a patient pursuant to Section 726 or sexual exploitation as defined in
subdivision (a) of Section 729. . . .

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1 9. Code section 490 states, in pertinent part:

2 (a) In addition to any other action that a board is permitted to take against a licensee,
3 a board may suspend or revoke a license on the ground that the licensee has been convicted
4 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.

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

9 (c) A conviction within the meaning of this section means a plea or verdict of guilty
10 or a conviction following a plea of nolo contendere. An action that a board is permitted to
11 take following the establishment of a conviction may be taken when the time for appeal has
12 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. . . .

13 **COST RECOVERY**

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Criminal Conviction)**

22 11. Respondent is subject to disciplinary action pursuant to Code sections 490 and 4301,
23 subdivision (I), in that Respondent was convicted of a crime substantially related to the
24 qualifications, functions, or duties of a pharmacist technician, as follows:

25 12. On or about May 16, 2022, in the case entitled *The People of the State of California*
26 *vs. Kiani Kijura Payne* (Sacramento County Sup. Ct. Case No. 21MI014262), Respondent was
27 convicted by the court on her plea of nolo contendere to violating Penal Code section 273a,
28 subdivision (b) (willful endangerment of the health of a child), a misdemeanor. Respondent was

1 sentenced to serve 30 days in jail, placed on four years of probation, and ordered to pay fines,
2 fees, and restitution. Respondent was further ordered to complete 12 anger management classes.
3 The circumstances of the crime were that on or about June 9, 2021, an officer from the
4 Sacramento Police Department was dispatched to Kaiser South on Bruceville Road in
5 Sacramento, California, based on a child abuse report after a four-year-old child came home from
6 daycare with injuries to his face and chin. The victim stated that his day care provider, identified
7 as Respondent, had smooched his face while he was lying down and that he was unable to breathe
8 for 44 seconds. The officer observed injuries on the victim's chin and neck. Respondent
9 admitted to the officer that she had placed her hands on the victim and that she had possibly left
10 marks.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Moral Turpitude and/or Dishonesty)**

13 13. Respondent is subject to disciplinary action pursuant to Code section 4301,
14 subdivision (f), in that Respondent committed acts involving moral turpitude and/or dishonesty
15 when Respondent placed her hands on the four-year-old victim's face causing injury, as set forth
16 in paragraph 11, above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Misrepresentation in Renewal Application)**

19 14. Respondent is subject to disciplinary action pursuant to Code section 4301,
20 subdivision (g), in that on or about January 25, 2023, while submitting her license renewal
21 application, Respondent answered under penalty of perjury that she had not been convicted of any
22 crimes, when she had actually sustained a conviction on or about May 16, 2022, as set forth in
23 paragraph 11, above.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Actions or Conduct That Would Have Warranted Denial of a License)**

26 15. Respondent is subject to disciplinary action pursuant to Code sections 4301,
27 subdivision (p), and 480, subdivision (a)(2), in that Respondent committed actions or conduct that
28

1 would have warranted denial of a license because she was subjected to formal discipline by a
2 licensing board in California, as follows:

3 16. Effective September 28, 2021, in a case entitled *In The Matter Of: Kiani Payne*,
4 CDSS No. 7021182101, the California Department of Social Services revoked Respondent's
5 license to operate a family child care home. The revocation was based upon Respondent's
6 criminal conviction, as set forth above in paragraph 11.

7 **OTHER MATTERS**

8 17. Pursuant to Code section 4307, if discipline is imposed on Kiani Kijura Payne, then
9 Kiani Kijura Payne shall be prohibited from serving as a manager, administrator, owner, member,
10 officer, director, associate, or partner of a licensee for 1) a period not to exceed five (5) years if
11 the Pharmacy Technician Registration is placed on probation; or, 2) if the Pharmacy Technician
12 Registration is revoked, the prohibition shall continue until the Pharmacy Technician Registration
13 is reinstated.

14 **PRAYER**

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

17 1. Revoking or suspending Pharmacy Technician Registration Number TCH 161319,
18 issued to Kiani Kijura Payne;

19 2. Prohibiting Kiani Kijura Payne from serving as a manager, administrator, owner,
20 member, officer, director, associate, partner, or in any other position with management or control
21 of any pharmacy licensee;

22 3. Ordering Kiani Kijura Payne to pay the Board of Pharmacy the reasonable costs of
23 investigation and enforcement of this case, pursuant to Business and Professions Code section
24 125.3; and,

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

DATED: 3/24/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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Anne@DCA
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