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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. 3659

13 **HOSSEIN H. SHIRAZI AKA SEYED H.**  
14 **SHIRAZI**  
24000 Gilmore Street  
West Hills, CA 91307

**A C C U S A T I O N**

15 Pharmacy Technician License No. TCH 55499

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 10, 2004, the Board issued Pharmacy Technician License No.  
22 TCH 55499 (suspended 8/24/2011 per BP 4311) to Hossein H. Shirazi aka Seyed H. Shirazi  
23 (Respondent). On or about August 24, 2011, the Board automatically suspended License No.  
24 TCH 55499, pursuant to Business and Professions Code section 4311. The Pharmacy Technician  
25 License expired on January 31, 2012.

26 **JURISDICTION**

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

STATUTORY PROVISIONS

1  
2       4.     Section 118, subdivision (b), provides that the suspension, expiration, surrender or  
3 cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary  
4 action during the period within which the license may be renewed, restored, reissued or  
5 reinstated.

6       5.     Section 490 provides that a board may suspend or revoke a license on the ground that  
7 the licensee has been convicted of a crime substantially related to the qualifications, functions, or  
8 duties of the business or profession for which the license was issued.

9       6.     Section 4300, subdivision (a), states that “[e]very license issued may be suspended or  
10 revoked.”

11       7.     Section 4301 states, in pertinent part:

12             "The board shall take action against any holder of a license who is guilty of unprofessional  
13 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

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

15             ". . . .

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

19             ". . . .

20             "(l) The conviction of a crime substantially related to the qualifications, functions, and  
21 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
22 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
23 substances or of a violation of the statutes of this state regulating controlled substances or  
24 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
25 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
26 The board may inquire into the circumstances surrounding the commission of the crime, in order  
27 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
28 or dangerous drugs, to determine if the conviction is of an offense substantially related to the

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
3 of this provision. The board may take action when the time for appeal has elapsed, or the  
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
8 indictment. . . ."

9 8. Section 4311 states, in pertinent part:

10 "(a) Any license issued by the board, or the holder thereof, shall be suspended  
11 automatically during any time that the person is incarcerated after conviction of a felony,  
12 regardless of whether the conviction has been appealed. The board, immediately upon receipt of  
13 a certified copy of a record of a criminal conviction, shall determine whether the person has been  
14 automatically suspended by virtue of incarceration pursuant to a felony conviction and, if so, the  
15 duration of that suspension. The board shall notify the person so suspended of the suspension and  
16 that the person has a right to request a hearing, solely as to whether he or she is incarcerated  
17 pursuant to a felony conviction, in writing at that person's address of record with the board and at  
18 the facility in which the person is incarcerated.

19 . . . .

20 "(c) In addition to any suspension under subdivision (a), the board shall also suspend any  
21 license issued by the board, or the holder thereof, if the board determines that the felony  
22 conviction of the holder of the license is substantially related to the qualifications, functions, or  
23 duties of the licensee.

24 . . . .

25 "(4) A conviction of any crime referred to in Section 4301, or for violation of Section 187,  
26 261, or 288 of the Penal Code, shall be conclusively presumed to be substantially related to the  
27 qualifications, functions, or duties of a licensee of the board. Upon its own motion or for good  
28 cause shown the board may decline to impose a suspension under this subdivision or may set

1 aside a suspension previously imposed when it appears to be in the interest of justice to do so,  
2 with due regard to maintaining the integrity of and confidence in the practice of pharmacy and the  
3 handling of dangerous drugs and devices.

4 . . . .

5 “(g) The board may delegate the authority to issue a suspension under subdivision (a)  
6 or (b) or a notice of suspension under subdivision (c) to the executive officer of the board.”

7 **REGULATORY PROVISION**

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

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

15 **COST RECOVERY**

16 10. Section 125.3 provides that the Board may request the administrative law judge to  
17 direct a licentiate found to have committed a violation or violations of the licensing act to pay a  
18 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Substantially Related Crime)**

21 11. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,  
22 subdivision (l), in conjunction with California Code of regulations, title 16, section 1770, in that  
23 Respondent was convicted crimes substantially related to the qualifications, functions or duties of  
24 a licensee, as follows:

25 a. On or about August 24, 2010, after pleading guilty, Respondent was convicted of one  
26 felony interlineated count of violating Penal Code section 192(a) [voluntary manslaughter] in the  
27 criminal proceeding entitled *The People of the State of California v. Hossein Shirazi* (Super. Ct.  
28 Los Angeles County, 2009, No. LA061939). The Court sentenced Respondent to 15 years in

1 prison. The circumstances underlying the conviction are that on or about April 13, 2008,  
2 Respondent admitted that he shot his brother in the abdomen at their parent's home. After the  
3 shooting, Respondent admitted that he drove his brother into the hills, placed him on the side of  
4 the road and then left the area. Respondent's brother was never seen or heard from again, and no  
5 remains were found.

6 b. On or about October 19, 2004, after pleading nolo contendere, Respondent was  
7 convicted of one misdemeanor count of violating Penal Code section 242 [battery] in the criminal  
8 proceeding entitled *The People of the State of California v. Hossein Shirazi* (Super. Ct. Los  
9 Angeles County, 2004, No. 4PN05057). The Court placed Respondent on three (3) years  
10 probation, and ordered him to complete 150 hours Community Service. The circumstances  
11 underlying the conviction are that on or about August 27, 2007, during an escalating altercation  
12 with his older brother, Respondent stabbed his brother twice with a knife.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Act Involving Moral Turpitude, Dishonest, Fraud, Deceit, or Corruption)**

15 12. Respondent is subject to disciplinary action under sections 4300 and 4301,  
16 subdivision (f), in that on or about August 27, 2007, and on or about April 13, 2008, Respondent  
17 committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant  
18 refers to and by this reference incorporates the allegations set forth above in paragraph 11,  
19 subparagraphs a and b, inclusive, as though set forth fully.

20 **PRAYER**

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

- 23 1. Revoking or suspending Pharmacy Technician License No. TCH 55499 issued to  
24 Hossein H. Shirazi;
- 25 2. Ordering Hossein H. Shirazi to pay the Board the reasonable costs of the investigation  
26 and enforcement of this case, pursuant to section 125.3; and

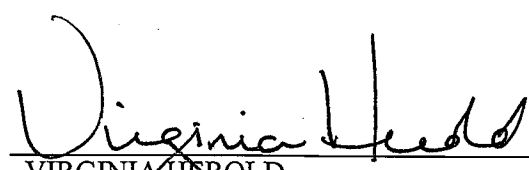
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/25/12



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

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