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

11 In the Matter of the Accusation Against:

Case No. 4267

12 **SEYED MASOUD EATEZADI**
18136 Oxnard Street, #43
13 Tarzana, CA 91356

A C C U S A T I O N

14 Pharmacy Technician Registration No. TCH
102428

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy.

22 2. On or about June 3, 2010, the Board of Pharmacy ("Board") issued Pharmacy
23 Technician Registration No. TCH 102428 to Seyed Masoud Eatezadi ("Respondent"). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on July 31, 2013, unless renewed.

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, in pertinent part, that the expiration of a license
3 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 490 states, in pertinent part:

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

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

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

20 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
21 subject to discipline, including suspension or revocation.

22 7. Section 4301 states, in pertinent part:

23 "The board shall take action against any holder of a license who is guilty of unprofessional
24 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
25 Unprofessional conduct shall include, but is not limited to, any of the following:

26 "(a) Gross immorality.

27 ...

1 perform the functions authorized by his license or registration in a manner consistent with the
2 public health, safety, or welfare."

3 COST RECOVERY

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

8 FIRST CAUSE FOR DISCIPLINE

9 (Conviction of a Substantially Related Crime)

10 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (I),
11 and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
12 Respondent was convicted of a crime substantially related to the qualifications, functions, and
13 duties of a pharmacy technician.

14 a. On or about September 28, 2011, after pleading nolo contendere, Respondent
15 was convicted of one felony count of violating Penal Code Section 245(a)(1) [assault with a
16 deadly weapon not firearm: great bodily injury likely] and one felony count of violating Penal
17 Code section 236 [false imprisonment] in the criminal proceeding entitled *The People of the State*
18 *of California v. Seyed Masoud Eatezadi* (Super. Ct. Los Angeles County, 2010, No. LA066783).
19 The Court sentenced Respondent to 120 days in jail, placed Respondent on 3 years probation,
20 ordered Respondent to complete a 52-week sex offender course, and ordered Respondent to
21 complete 90 days of community service.

22 b. The circumstances surrounding the conviction are that on or about December
23 16, 2010, Respondent drove his victim to a local motel. Upon entering the room, Respondent
24 began performing unwanted sexual acts. Respondent grabbed the victim's neck and kissed her
25 lips. The victim immediately told Respondent to stop, but Respondent became more aggressive.
26 Respondent then pulled off the victim's shirt and shorts. He climbed on top of the victim and
27 attempted multiple times to insert his erect penis into the victim's vagina; however he was
28 unsuccessful due to the victim's movements. Respondent then grabbed the back of the victim's

1 head and forced his erect penis into the victim's mouth, eventually ejaculating on the victim's
2 face and breasts.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Gross Immorality)**

5 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (a),
6 on the ground of unprofessional conduct, in that Respondent committed an act of gross
7 immorality. Complainant refers to, and by this reference incorporates, the allegations set forth
8 above in paragraph 10, subparagraphs (a) and (b), inclusive, as though fully set forth herein.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct – Act involving Moral Turpitude)**


11 12. Respondent is subject to disciplinary action under Code section under section 4301,
12 subdivision (f), on the ground of unprofessional conduct, in that Respondent committed an act
13 involving moral turpitude. Complainant refers to, and by this reference incorporates, the
14 allegations set forth above in paragraph 10, subparagraphs (a) and (b), inclusive, as though fully
15 set forth herein.

16 **PRAYER**

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

- 19 1. Revoking or suspending Pharmacy Technician Registration No. TCH 102428, issued
20 to Seyed Masoud Eatezadi;
- 21 2. Ordering Seyed Masoud Eatezadi to pay the Board the reasonable costs of the
22 investigation and enforcement of this case, pursuant to section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 1/7/13

25 
26 VIRGINIA K. HEROLD
27 Executive Officer
28 Board of Pharmacy
State of California
Complainant

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