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7	Attorneys for Complainant	1 00000000	
8	BEFORE THE BOARD OF PHARMACY		
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
10			
11	In the Matter of the Accusation Against:	Case No. 4753	
12	TAHMINA ZADRAN 8389 Mayhews Landing Road		
13	Newark, CA 94560	ACCUSATION	
14	Pharmacy Technician License No. TCH 79450		
15	Respondent.		
16			
17	Complainant alleges:	- -	
18	<u>PARTIES</u>		
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.		
21	2. On or about December 3, 2007, the Board of Pharmacy issued Pharmacy Technician		
22	License Number TCH 79450 to Tahmina Zadran (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 October 31, 2013, unless renewed.		
25	JURISDICTION		
26	3. This Accusation is brought before the Board of Pharmacy (Board), Department of		
27	Consumer Affairs, under the authority of the following laws. All section references are to the		
28	Business and Professions Code (Code) unless otherwise indicated.		
	1		

- 4. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].
- 5. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.
- 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or suspension of a Board-issued license, 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 AND REGULATORY PROVISIONS

- 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action against any holder of a license who is guilty of "unprofessional conduct," defined to include, but not be limited to, any of the following:
- (f) The commission of any act involving moral turpitude, dishonesty, fraud, 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.
- (l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter.
- 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of the license.
- 9. California Code of Regulations, title 16, section 1770, provides, in pertinent part, that 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 her license or registration in a manner consistent with the public health, safety, or welfare.

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10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation of the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

FACTUAL BACKGROUND

11. Between in or about June 2012 and August 2012, Respondent, while functioning as a caretaker for an elderly client/patient (83 years old), stole money from the wallet or person of the client/patient. At least \$300.00 and up to \$600.00 was taken by Respondent.

FIRST CAUSE FOR DISCIPLINE

(Act(s) Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

12. Respondent is subject to discipline under section 4301(f) of the Code in that Respondent, as described in paragraph 11 above, committed one or more acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

SECOND CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime(s))

- 13. Respondent is subject to discipline under section 4301(1) and/or section 490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of substantially related crime(s), in that on or about January 25, 2013, in *People v. Tahmina Zadran*, Case No. B1261976 in Santa Clara County Superior Court, Respondent was convicted of violating Penal Code section 368, subdivision (e) (Theft/Embezzlement of \$950.00 or Less By a Caretaker From Elder/Dependent Adult), a misdemeanor. The conviction was entered as follows:
- a. On or about August 27, 2012, on the basis of the conduct described in paragraph 11, Respondent was charged by Misdemeanor Complaint in Case No. B1261976 with one count of violating Penal Code section 368, subdivision (e) (Theft/Embezzlement of \$950.00 or Less By a Caretaker From Elder/Dependent Adult), a misdemeanor;
- b. On or about January 25, 2013, Respondent pleaded nolo contendere and was found guilty of violating Penal Code section 368, subdivision (e) (Theft/Embezzlement of \$950.00 or Less By a Caretaker From Elder/Dependent Adult), a misdemeanor;

1	c. On or about January 25, 2013, imposition of sentence was suspended in favor	
2	of a period of court probation of eighteen (18) months, with terms and conditions including a ba	
3	on engaging in any caretaking or fiduciary duties for elderly or dependent adults, eighty (80)	
4	hours of community service, and payment of fines, fees, and restitution.	
5	THIRD CAUSE FOR DISCIPLINE	
6	(Unprofessional Conduct)	
7	14. Respondent is subject to discipline under section 4301 of the Code in that	
8	Respondent, as described in paragraphs 11 to 13 above, engaged in unprofessional conduct.	
9		
10	<u>PRAYER</u>	
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 79450, issued	
14	to Tahmina Zadran (Respondent);	
15	2. Ordering Rspondent to pay the Board the reasonable costs of the investigation and	
16	enforcement of this case, pursuant to Business and Professions Code section 125.3;	
17	3. Taking such other and further action as is deemed necessary and proper.	
18	DATED: 9/6/13 () inginia Skeld	
19	VIRGINIA HEROLD Executive Officer	
20	Board of Pharmacy Department of Consumer Affairs	
21	State of California Complainant	
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