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8	BEFORE THE	
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS	
10	STATE OF CALIFORNIA	
11	In the Matter of the Accusation Against:	Case No. 5066
12	LEAFA PRINTING PLUS LLC	
13	5862 Bolsa Avenue, Ste. 102 Huntington Beach, CA 92649	ACCUSATION
14	Wholesale Permit No. WLS 5853	
15	Respondent.	
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17		
18	Complainant alleges:	
19	PARTIES	
20	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity	
21	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
22	2. On or about September 21, 2011, the Board of Pharmacy issued Wholesale Permit	
23	Number WLS 5853 to Leafa Printing Plus LLC (Respondent). The Wholesale Permit expired on	
24	September 1, 2016, and has not been 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 unless otherwise indicated.	
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4. Section 4300, subdivision (a) of the Code states "Every license issued may be suspended or revoked."

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, 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 PROVISIONS

6. Section 4301 of the Code states:

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

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

(1) 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 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has 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 allowing the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

7. Section 4302 of the Code states:

The Board may deny, suspend or revoke any license where conditions exist in relation to any person holding 10 percent or more of the ownership interest or where conditions exist in relation to any officer, director, or other person with management or control of the license that would constitute grounds for disciplinary action against a licensee.

COST RECOVERY

8. 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 or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL ALLEGATIONS

- 9. At all times relevant herein, Robert George Farah II was a member who had management or control of Respondent.
- 10. On or about October 5, 2015, in a criminal proceeding entitled *The People of the State of California vs. Robert George Farah II*, Orange County Superior Court Case Number 11HF3139, Robert George Farah II was convicted on his plea of guilty to violating Penal Code section 487(a)/506, embezzlement by fiduciary of trust, felonies and admitted enhancements of Penal Code section 12022.6(a)(2).
- 11. On May 6, 2016, Robert George Farah II was placed on three years formal probation and ordered to serve 364 days in jail and pay all applicable fees, fines and restitution.
- 12. In his plea agreement, Robert George Farah II admitted that he willfully, unlawfully and fraudulently appropriated GEP Properties LLC and GEP Properties II LLC monies entrusted to him for "personal uses and purposes other than that for which the money was entrusted to [him] in a fiduciary capacity, within the meaning of Penal Code section 487(a)/506." He also admitted that within the meaning of Penal Code section 12022.6(a)(2), the amount of loss involved, including legal fees, exceeded two-hundred thousand dollars.

FIRST CAUSE FOR DISCIPLINE

(October 5, 2015 Criminal Convictions for Embezzlement by Fiduciary of Trust)

13. Respondent has subjected its wholesale permit to discipline under sections 4302, 490 and 4301, subdivision (l) of the Code in that its member was convicted of crimes that are substantially related to the qualifications, duties, and functions of a wholesaler as set forth in paragraphs 9 through 12.

SECOND CAUSE FOR DISCIPLINE

(Making False Documents)

14. Respondent has subjected its wholesale permit to disciplinary action under sections 4302 and 4301, subdivision (g) of the Code for unprofessional conduct in that Robert George Farah II, a member of Respondent, knowingly made false documents in connection with the activities described in paragraphs 9 through 12, above.

THIRD CAUSE FOR DISCIPLINE

(Dishonest Acts)

15. Respondent has subjected its wholesale permit to disciplinary action under sections 4302 and 4301, subdivision (f) of the Code in that Robert George Farah II, a member of Respondent, committed acts involving dishonesty, fraud, deceit, or corruption, as detailed in paragraphs 9 through 12, above, which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

16. Respondent has subjected its wholesale permit to disciplinary action under sections 4302 and 4301 for unprofessional conduct in that Robert George Farah II, a member of Respondent, engaged in the activities described in paragraphs 9 through 12 above, which is incorporated herein by reference.

PRAYER

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