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

10 In the Matter of the Accusation Against:

Case No. 5070

11 **MIRA J. ZEFFREN**
12 211 South Alta Vista Blvd.
Los Angeles, CA 90036

A C C U S A T I O N

13 Pharmacist License No. RPH 41239

14 Respondent.
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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 September 26, 1987, the Board issued Pharmacist License No. RPH
22 41239 to Mira J. Zeffren (Respondent). The Pharmacist License was in full force and effect at all
23 times relevant to the charges brought herein and will expire on December 31, 2014, unless
24 renewed.

25 **JURISDICTION**

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

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"(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. 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.

....

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provisions or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state and federal regulatory agency.

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1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

9 **COST RECOVERY**

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

14 **FIRST CAUSE FOR DISCIPLINE**

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

16 10. Respondent is subject to disciplinary action under section 4301, subdivision (l) and
17 490 of the Code, in conjunction with California Code of Regulations, title 16, section 1770, in
18 that, Respondent was convicted of a crime substantially related to the qualifications, functions, or
19 duties of a pharmacist, as follows:

20 a. On or about November 26, 2012, after pleading guilty, Respondent was convicted of
21 one felony count of violating Title 18, United States Code Section 371 [conspiracy] in the
22 criminal proceeding entitled *The United States of America v. Mira Zeffren* (U.S. Dist. Ct., Central
23 Dist. Cal., 2012, No. CR 11-42-JWF). The Court ordered Respondent to pay \$84,294 in
24 restitution to the Internal Revenue Service (IRS) and a \$30,000 fine, sentenced her to serve 8
25 months in Federal Prison, and placed her on supervised release for a term of 2 years, with terms
26 and conditions.

27 b. The circumstances surrounding the conviction are that beginning on an unknown date
28 and continuing to on or about December 19, 2007, Respondent conspired to defraud the Internal

1 Revenue Service (IRS) by fraudulently claiming full amounts of nominal charitable contributions
2 to the Spinka charitable organization as tax deductions, while having actually contributed as little
3 as 5 to 10 percent of the amounts of the claimed deductions.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

6 11. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
7 Code, in that Respondent committed acts involving moral turpitude, dishonesty, fraud, or deceit
8 with the intent to substantially benefit or substantially injure another. Complainant refers to and
9 by reference incorporates, the allegations set forth above in paragraph 10, as though set forth
10 fully.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Unprofessional Conduct/ Violation of Licensing Chapter)**

13 12. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
14 that Respondent committed acts of unprofessional conduct and / or violated provision of the
15 licensing chapter. Complainant refers to, and by this reference incorporates, the allegations set
16 forth above in paragraphs 10-11, as though set forth fully.

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PRAYER

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

1. Revoking or suspending Pharmacist License No. RPH 41239, issued to Respondent;
2. Ordering Respondent to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED:

8/12/14

Virginia Herold

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

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5/15/14