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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. 6040

12 **NADER NAGY GEORGE**
1117 N. Buena Vista St.
13 Burbank, CA 91505

A C C U S A T I O N

14 Pharmacist License No. RPH 54335

15 Respondent.
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19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about March 24, 2003, the Board issued Pharmacist License No. RPH 54335 to
24 Nader Nagy George (Respondent). The Pharmacist License was in full force and effect at all times
25 relevant to the charges brought herein and will expire on May 31, 2018, 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.

1 4. Section 4300 states, in pertinent part:

2 " (a) Every license issued may be suspended or revoked.

3 " (b) The board shall discipline the holder of any license issued by the board, whose default
4 has been entered or whose case has been heard by the board and found guilty, by any of the
5 following methods:

6 " (1) Suspending judgment.

7 " (2) Placing him or her upon probation.

8 " (3) Suspending his or her right to practice for a period not exceeding one year.

9 " (4) Revoking his or her license.

10 " (5) Taking any other action in relation to disciplining him or her as the board in its
11 discretion may deem proper. . . ."

12 5. Section 4300.1 states:

13 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
14 of law or by order or decision of the board or a court of law, the placement of a license on a
15 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
16 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
17 against, the licensee or to render a decision suspending or revoking the license."

18 **STATUTORY PROVISION**

19 6. Section 4301 states, in pertinent part:

20 "The board shall take action against any holder of a license who is guilty of unprofessional
21 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is
22 not limited to, any of the following:

23

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

27 **REGULATORY PROVISION**

28 7. California Code of Regulations, title 16, section 1770, states:

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

7 **COST RECOVERY**

8 8. Section 125.3 provides that the Board may request the administrative law judge to
9 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
10 sum not to exceed the reasonable costs of the investigation and enforcement of the case, with
11 failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a
12 case settles, recovery of investigation and enforcement costs may be included in a stipulated
13 settlement.

14 **CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Act Involving Moral Turpitude)**

16 9. Respondent is subject to disciplinary action under section 4301, subdivision (f), on the
17 grounds of unprofessional conduct, in that he engaged in an act involving moral turpitude. The
18 circumstances are as follows:

19 a) On or about September 21, 2015, Respondent's neighbor arrived home and spoke
20 with his wife outside their home, where the neighbor stated that she was going inside to take a
21 shower. Soon thereafter, Respondent was observed standing on a ladder looking into the
22 neighbor's bathroom window that is 10 feet from the ground. When confronted by another,
23 Respondent got off the ladder, folded it up and walked away. Respondent was identified and
24 arrested.

25 b) On or about September 22, 2016, in the criminal matter entitled *The People of the*
26 *State of California v. Nader Nagy George* (Super. Ct. L.A. County, No. 5BR03329), the Court
27 issued a protective order for the victim and ordered the case to be held open for one year with
28

1 Respondent to complete 52 Sexual Compulsives Anonymous meetings, one per week, and 40
2 days of community service. The Court ordered Respondent to return on September 25, 2017.

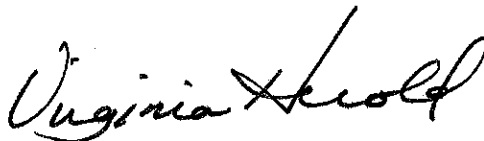
3 **PRAYER**

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

- 6 1. Revoking or suspending Pharmacist License No. RPH 54335, issued to Nader Nagy
7 George
8 2. Ordering Nader Nagy George to pay the Board the reasonable costs of the
9 investigation and enforcement of this case, pursuant to section 125.3; and,
10 3. Taking such other and further action as deemed necessary and proper.

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14 DATED: _____

5/27/17



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

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