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

In the Matter of the Accusation Against:

MOHAMADALI ABOLAHRAR a.k.a.,
MOHAMMADALI ABOLAHAR
Federal Correctional Complex
Lompoc, CA 93436

Pharmacist License No. RPH 47336,

and

REZA ABOLAHRAR
Federal Correctional Complex
Lompoc, CA 93436

Pharmacist License No. RPH 47355

Respondents.

Case No. 2644

**DEFAULT DECISION
AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 10, 2006, Complainant, Patricia F. Harris, in her official capacity as Executive Officer of the Board of Pharmacy, Department of Consumer Affairs (Board), filed Accusation No. 2644 against MOHAMADALI ABOLAHRAR, a.k.a., MOHAMMADALI ABOLAHRAR and REZA ABOLAHRAR (Respondents) before the Director of Consumer Affairs.

2. On or about August 4, 1994, the Board issued Pharmacist License No. RPH 47336 to Mohamadali Abolahrar (Respondent Mohamadali Abolahrar). The Pharmacist License expired on April 30, 2006, and has not been renewed.

1 3. On or about August 5, 1994, the Board issued Pharmacist License No.
2 RPH 47355 to Reza Abolahrar (Respondent Reza Abolahrar). The Pharmacist License expired
3 on August 31, 2006, and has not been renewed.

4 4. On or about February 10, 2006, Maria Salazar, an employee of the
5 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
6 2644, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
7 Code sections 11507.5, 11507.6, and 11507.7 to Respondents' address of record with the Board.

8 A copy of the Accusation, the related documents, and Declaration of Service are attached
9 as exhibit A, and are incorporated herein by reference.

10 5. Service of the Accusation was effective as a matter of law under the
11 provisions of Government Code section 11505, subdivision (c).

12 6. On or about February 13, 2006, Respondents filed their Notice of Defense,
13 and a copy is attached as exhibit B, and is incorporated herein by reference.

14 7. Government Code section 11506 states, in pertinent part:

15 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

19 8. On or about October 13, 2006, Respondents filed a Withdrawal of Notice
20 of Defense/Request for Hearing waiving their rights to a hearing on the merits of Accusation
21 2644. Attached as exhibit C, and incorporated herein by reference, is a copy of said notice.

22 9. California Government Code section 11520 states, in pertinent part:

23 "(a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions or
25 upon other evidence and affidavits may be used as evidence without any notice to
26 respondent."

27 10. Pursuant to its authority under Government Code section 11520, the
28 Executive Officer finds Respondents in default. The Executive Officer will take action without

1 further hearing and, based on Respondents' express admissions by way of default and the
2 evidence before it, contained in exhibits A, B and C, finds that the allegations in Accusation No.
3 2644 are true.

4 11. The total costs for investigation and enforcement are \$16683.50 as of
5 January 4, 2007.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent MOHAMADALI
8 ABOLAHRRAR has subjected his Pharmacist License No. 47336 to discipline, and REZA
9 ABOLAHRRAR has subjected his Pharmacist License No. 47355 to discipline.

10 2. A copy of the Accusation and the related documents and Declaration of
11 Service are attached.

12 3. The agency has jurisdiction to adjudicate this case by default.

13 4. The Director of Consumer Affairs is authorized to revoke Respondents'
14 Pharmacist Licenses based upon the following violations alleged in the Accusation:

15 a. Respondents are subject to disciplinary action under sections 4300,
16 490 and 4301, subdivisions (f), (j) and (l), as defined in the California Code of Regulations, title:
17 16, section 1770, in that on or about August 9, 2005, in the criminal proceeding entitled *United*
18 *Stated of America v. Mohammadali Abolahrar, Reza Abolahrar and Roxbury Pharmacy, Inc.*, in
19 United States District Court, Central District of California (Western Division) Superior Court,
20 Case No. 03-CR-152-ALL, Respondents were convicted following a jury trial rendering a verdict
21 of guilty of, among other things, violating Title 18 United States Code section 371 (Conspiracy);
22 and violating Title 18 United States Code section 1347 (Health Care Fraud). These crimes were
23 substantially related to the qualification, functions, or duties of a pharmacist.

24 b. Respondents are subject to discipline under Business and
25 Professions Code sections 4300, 810 and 4301, subdivision (g), on the grounds of unprofessional
26 conduct in that Respondents, acting in the capacity of licensed pharmacists, knowing presented
27 or caused to be presented false or fraudulent health care insurance claims to state and federal
28 health care benefit programs, as more fully described in paragraph 4(b) above.

Exhibit A

Accusation No. IG 2004 1014,
Related Documents and Declaration of Service

1 BILL LOCKYER, Attorney General
of the State of California
2 GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2564
5 Facsimile: (213) 897-2804
6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2644

12 **MOHAMADALI ABOLAHRAR**
13 **a.k.a. MOHAMMADALI ABOLAHRAR**
30089 Avenida Tranquila
Rancho Palos Verdes, CA 90275

A C C U S A T I O N

14 Pharmacist License No. RPH 47336,

15 and

16 **REZA ABOLAHRAR**
17 30089 Avenida Tranquila
Rancho Palos Verdes, CA 90275

18 Pharmacist License No. RPH 47355

19 Respondents.
20

21 Complainant alleges:
22

23 PARTIES

24 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer
26 Affairs (Board).

27 2. On or about August 4, 1994, the Board issued Pharmacist License No.
28 RPH 47336 to Mohamadali Abolahrar (Respondent Mohamadali Abolahrar). The Pharmacist

1 days after its expiration. Any license canceled under this subdivision may not be reissued.
2 Instead, a new application will be required."

3 9. Section 4113 provides that every pharmacy shall designate a pharmacist-
4 in-charge.

5 10. Section 4300, subdivision (a), states that "[e]very license issued may be
6 suspended or revoked."

7 11. Section 490 states:

8 "A board may suspend or revoke a license on the ground that the licensee has been
9 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
10 of the business or profession for which the license was issued. A conviction within the meaning
11 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
12 contendere. Any action which a board is permitted to take following the establishment of a
13 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
14 been affirmed on appeal, or when an order granting probation is made suspending the imposition
15 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the
16 Penal Code."

17 12. Section 810 states:

18 "(a) It shall constitute unprofessional conduct and grounds for disciplinary action,
19 including suspension or revocation of a license or certificate, for a health care professional to do
20 any of the following in connection with his or her professional activities:

21 "(1) Knowingly present or cause to be presented any false or fraudulent claim for
22 the payment of a loss under a contract of insurance.

23 "(2) Knowingly prepare, make, or subscribe any writing, with intent to present or
24 use the same, or to allow it to be presented or used in support of any false or fraudulent claim.

25 "(b) It shall constitute cause for revocation or suspension of a license or
26 certificate for a health care professional to engage in any conduct prohibited under Section
27 1871.4 of the Insurance Code or Section 550 of the Penal Code.

28 ///

1 "(c) As used in this section, health care professional means any person licensed or
2 certified pursuant to this division, or licensed pursuant to the Osteopathic Initiative Act, or the
3 Chiropractic Initiative Act."

4 13. Section 4301 states, in pertinent part:

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

9

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

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

15

16 "(j) The violation of any of the statutes of this state or of the United States
17 regulating controlled substances and dangerous drugs.

18

19 "(l) The conviction of a crime substantially related to the qualifications, functions,
20 and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13
21 (commencing with Section 801) of Title 21 of the United States Code regulating controlled
22 substances or of a violation of the statutes of this state regulating controlled substances or
23 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the
24 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
25 The board may inquire into the circumstances surrounding the commission of the crime, in order
26 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
27 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
28 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty

1 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
2 meaning of this provision. The board may take action when the time for appeal has elapsed, or
3 the judgment of conviction has been affirmed on appeal or when an order granting probation is
4 made suspending the imposition of sentence, irrespective of a subsequent order under Section
5 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
6 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
7 or indictment. . . ."

8 14. California Code of Regulations, title 16, section 1770, states:

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

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

19 FIRST CAUSE FOR DISCIPLINE

20 (Convictions of Substantially Related Crimes)

21 16. Respondents are subject to disciplinary action under sections 4300, 490,
22 and 4301, subdivisions (f), (j) and (l), as defined in California Code of Regulations, title 16,
23 section 1770, in that on or about August 9, 2005, in the criminal proceeding entitled *United*
24 *States of America v. Mohammadali Abolahrar, Reza Abolahrar and Roxbury Pharmacy, Inc.*, in
25 United States District Court, Central District of California (Western Division) Superior Court,
26 Case No. 03-CR-152-ALL, Respondents Mohamadali Abolahrar and Reza Abolahrar
27 (collectively Respondents) were convicted following a jury trial rendering a verdict of guilty

28 ///

1 of crimes were substantially related to the qualifications, functions, or duties of a pharmacist.

2 The circumstances regarding the convictions are as follows:

3 a. On or before March 1997 and continuing to at least July 2000, in
4 Los Angeles County, Respondents knowingly conspired and agreed with each other to defraud
5 Medi-Cal, a state funded health care benefit program and Tricare, formerly known as, Champus,
6 a federally funded health care benefit program.

7 b. Between March 1997 and July 2000, Respondents operated Bayview
8 Pharmacy and thereafter operated Roxbury Pharmacy as the Pharmacists-in-Charge.

9 c. Respondents, while acting in the capacity of licensed pharmacists, made
10 claims to Medi-Cal and TriCare for payment of liver transplant patients' medications.
11 Respondents caused checks in excess of \$200,000 to be sent to them by the health care benefit
12 programs Medi-Cal and TriCare for payment of liver transplant patients' medications that were
13 not dispensed as claimed. Said conduct resulted in monetary losses to Medi-Cal and Tricare.

14 d. Respondent Mohamadali Abolahrar was found guilty of: one count
15 violating Title 18 United States Code section 371 (Conspiracy); five counts violating Title 18
16 United States Code section 1347 (Health Care Fraud); and fifteen counts violating Title 18
17 United States Code section 1347 (Health Care Fraud).

18 e. Respondent Reza Abolahrar was found guilty of: one count violating Title
19 18 United States Code section 371 (Conspiracy); five counts violating Title 18 United States
20 Code section 1347 (Health Care Fraud); and fifteen counts violating Title 18 United States Code
21 section 1347 (Health Care Fraud).

22 SECOND CAUSE FOR DISCIPLINE

23 (Presentation of False or Fraudulent Claims)

24 17. Respondents are subject to disciplinary action under sections 4300, 810
25 and 4301, subdivision (g), on the grounds of unprofessional conduct in that Respondents acting
26 in the capacity of licensed pharmacists, knowingly presented or caused to be presented false or
27 fraudulent health care insurance claims to state and federal health care benefit programs, as more
28 fully described above in paragraph 16(a) - (e), above.

1 PRAYER

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

- 4 1. Revoking or suspending Pharmacist License No. RPH 47336, issued to
5 Mohamadali Abolahrar a.k.a. Mohammadali Abolahrar;
- 6 2. Revoking or suspending Pharmacist License No. RPH 47355, issued to
7 Reza Abolahrar;
- 8 3. Ordering Mohamadali Abolahrar a.k.a. Mohammadali Abolahrar and Reza
9 Abolahrar to pay the Board of Pharmacy the reasonable costs of the investigation and
10 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 11 4. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 1/25/06

14
15 P. F. Harris
16 PATRICIA F. HARRIS
17 Executive Officer
18 Board of Pharmacy
19 Department of Consumer Affairs
20 State of California

21 Complainant

22 03583110-LA2003500325
23 60097057.wpd
24 9268/20051ms
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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Against:

MOHAMADALI ABOLAHRAR
a.k.a. MOHAMMADALI ABOLAHRAR,
and REZA ABOLAHRAR

Respondents.

Case No. 2644

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the ; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the .

DATED: _____

Respondent's Name _____

Respondent's Signature _____

Respondent's Mailing Address _____

City, State and Zip Code _____

Respondent's Telephone Number _____

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name _____

Counsel's Mailing Address _____

City, State and Zip Code _____

Counsel's Telephone Number _____

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Against:

MOHAMADALI ABOLAHRAR
a.k.a. MOHAMMADALI ABOLAHRAR,
and REZA ABOLAHRAR

Respondents.

Case No. 2644

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the ; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the .

DATED: _____

Respondent's Name

Respondent's Signature

Respondent's Mailing Address

City, State and Zip Code

Respondent's Telephone Number

Check appropriate box:

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Counsel's Mailing Address

City, State and Zip Code

Counsel's Telephone Number

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

SECTION 11507.5: Exclusivity of discovery provisions

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

SECTION 11507.6: Request for discovery

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

SECTION 11507.7: Petition to compel discovery; Order; Sanctions

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

1 BILL LOCKYER, Attorney General
of the State of California
2 GILLIAN E. FRIEDMAN, State Bar No. 169207
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2564
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Against:

11 MOHAMADALI ABOLAHRAR
a.k.a. MOHAMMADALI ABOLAHRAR,
12 and REZA ABOLAHRAR

13 Respondents.

Case No. 2644

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

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16 TO RESPONDENT:

17 Under section 11507.6 of the Government Code of the State of California, parties
18 to an administrative hearing, including the Complainant, are entitled to certain information
19 concerning the opposing party's case. A copy of the provisions of section 11507.6 of the
20 Government Code concerning such rights is included among the papers served.

21 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU
22 ARE HEREBY REQUESTED TO:

- 23 1. Provide the names and addresses of witnesses to the extent known to the
24 Respondent, including, but not limited to, those intended to be called to testify at the hearing, and
25 2. Provide an opportunity for the Complainant to inspect and make a copy of any of
26 the following in the possession or custody or under control of the Respondent:
- 27 a. A statement of a person, other than the Respondent, named in the initial
28 administrative pleading, or in any additional pleading, when it is claimed that the act or

1 omission of the Respondent as to this person is the basis for the administrative
2 proceeding;

3 b. A statement pertaining to the subject matter of the proceeding made by any
4 party to another party or persons;

5 c. Statements of witnesses then proposed to be called by the Respondent and
6 of other persons having personal knowledge of the acts, omissions or events which are the
7 basis for the proceeding, not included in (a) or (b) above;

8 d. All writings, including but not limited to reports of mental, physical and
9 blood examinations and things which the Respondent now proposes to offer in evidence;

10 e. Any other writing or thing which is relevant and which would be
11 admissible in evidence, including but not limited to, any patient or hospital records
12 pertaining to the persons named in the pleading;

13 f. Investigative reports made by or on behalf of the Respondent pertaining to
14 the subject matter of the proceeding, to the extent that these reports (1) contain the names
15 and addresses of witnesses or of persons having personal knowledge of the acts,
16 omissions or events which are the basis for the proceeding, or (2) reflect matters
17 perceived by the investigator in the course of his or her investigation, or (3) contain or
18 include by attachment any statement or writing described in (a) to (e), inclusive, or
19 summary thereof.

20 For the purpose of this Request for Discovery, "statements" include written
21 statements by the person, signed, or otherwise authenticated by him or her, stenographic,
22 mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person,
23 and written reports or summaries of these oral statements.

24 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for
25 Discovery should be deemed to authorize the inspection or copying of any writing or thing which
26 is privileged from disclosure by law or otherwise made confidential or protected as attorney's
27 work product.

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Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery **within 30 days after service** of the .

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

DATED: 2/9/06

BILL LOCKYER, Attorney General
of the State of California



GILLIAN E. FRIEDMAN
Deputy Attorney General

Attorneys for Complainant

60126811.wpd

1 VAN ETEN SUZUMOTO & BECKET LLP
HERBERT L. WEINBERG #97950
2 1620 26th Street, Suite 6000 North
Santa Monica, California 90404
3 Telephone: (310) 315-8200
Facsimile: (310) 315-8210

4 Attorneys for Respondents
5 MOHAMMADALI ABOLAHRAR,
and REZA ABOLAHRAR

6
7 BEFORE THE
8 BOARD OF PHARMACY
9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

Case No. 2644

13 MOHAMMADALI ABOLAHRAR
14 Pharmacist License No. RPH 47336

REQUEST FOR DISCOVERY

[Gov. Code Section 11507.6]

15 and

16 REZA ABOLAHRAR
17 Pharmacist License No. 47355

Respondent.

18
19
20 TO THE CALIFORNIA STATE BOARD OF PHARMACY (the Board) AND ITS
21 ATTORNEYS:

22 In accordance with Section 11507.6 of the Government Code of the State of California,
23 you are requested to provide this office with the following:

- 24 1. The names and addresses of witnesses known to the Board, including, but not
25 limited to, those intended to be called to testify at the formal hearing;
- 26 2. Any statement pertaining to the subject matter of the proceeding made by any party
27 to another party or person;
- 28 3. Statements of witnesses proposed to be called by the Board and or other persons

1 having personal knowledge of the acts, omissions or events which are the basis for the disputed
2 audit findings, not included in 2. above;

3 4. All writings which the Board proposes to offer into evidence;

4 5. Any other writing or thing which is relevant and which would be admissible as
5 evidence; and

6 6. Investigative reports made by or on behalf of Board pertaining to the subject matter
7 of the proceeding, to the extent that such reports (a) contain the names and addresses of witnesses
8 or of persons having personal knowledge of the acts, omissions, or events which are the basis for
9 the proceeding, (b) reflect matters perceived by the investigator in the course of his or her
10 investigation, or (c) contain or include any attachment, any statement or writing described in 2.
11 through 5., inclusive, or a summary thereof.

12 For purposes of this request for discovery, "statements" shall include written statements by
13 the person, signed or otherwise authenticated by the person, stenographic, mechanical, electrical or
14 other recording, or transcripts thereof, or oral statements by the person and written reports or
15 summaries of such oral statements.

16 Your response to this request for discovery should be made to the undersigned attorney for
17 the Respondent by directing such response to Herbert L. Weinberg, Esq., 1620 26th Street, Suite
18 6000 North, Santa Monica, CA 90404.

19 DATED: February 13, 2006

VAN ETTEN SUZUMOTO & BECKET LLP

20
21 By: 

Herbert L. Weinberg
Attorneys for Respondents
Mohammadali Abolahrar and
Reza Abolahrar

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the age of
4 eighteen years and not a party to the within action; my business address is 1620 26th Street, Suite
5 6000 North, Santa Monica, California 90404.

6 On February 13, 2006, I served the following document(s) described as **REQUEST FOR
7 DISCOVERY AND NOTICE OF DEFENSE FOR MOHAMADALI AND REZA
8 ABOLABRAR** on the interested parties in this action by placing the original thereof enclosed in
9 sealed envelopes addressed as follows:

10 Gillian E. Friedman, DAG
11 California Department of Justice
12 300 South Spring Street, Suite 1702
13 Los Angeles, CA 90013

14 **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing
15 correspondence for mailing with the United States Postal Service. Under that practice, it
16 would be deposited with the United States Postal Service that same day in the ordinary
17 course of business. Such envelope(s) were placed for collection and mailing with postage
18 thereon fully prepaid at Santa Monica, California, on that same day following ordinary
19 business practices. (C.C.P. § 1013 (a) and 1013a(3))

20 **BY FACSIMILE:** At approximately _____, I caused said document(s) to be transmitted
21 by facsimile pursuant to Rule 2008 of the California Rules of Court. The telephone
22 number of the sending facsimile machine was (310) 315-8210. The name(s) and facsimile
23 machine telephone number(s) of the person(s) served are set forth in the service list. The
24 document was transmitted by facsimile transmission, and the sending facsimile machine
25 properly issued a transmission report confirming that the transmission was complete and
26 without error.

27 **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility
28 regularly maintained by the overnight service carrier, or delivered such document(s) to a
courier or driver authorized by the overnight service carrier to receive documents, in an
envelope or package designated by the overnight service carrier with delivery fees paid or
provided for, addressed to the person(s) served hereunder. (C.C.P. § 1013(d)(e))

BY HAND DELIVERY: I delivered such envelope(s) by hand to the office of the
addressee(s). (C.C.P. § 1011(a)(b))

BY PERSONAL SERVICE: I personally delivered such envelope(s) to the addressee(s).
(C.C.P. § 1011)

I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

Executed on February 13, 2006, at Santa Monica, California.


Roseanne Di Marco-Burnham

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: MOHAMADALI ABOLAHRRAR a.k.a. MOHAMMADALI ABOLAHRRAR,
and REZA ABOLAHRRAR
Case No.: 2644

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On February 10, 2006, I served the attached **Statement to Respondent, Accusation, Notice of Defense (2 copies), Request for Discovery, Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return

copy of the **Statement to Respondent, Accusation, Notice of Discovery, Discovery Statutes** was enclosed in a second sealed envelope as certified mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, California. The following follows:

- Michael D. Nasatir, Esq.
Nasatir, Hirsch, Podberesky & Genego
2115 Main Street
Santa Monica, CA 90405
Certified Mail # 7001 0360 0003 2704 3275
- William J. Weissberg, Esq.
1925 Century Park East, Suite 1700
Los Angeles, CA 90067
Certified Mail # 7001 0360 0003 2704 3299
- Herbert L. Weinberg
1620 26th Street, Suite 6000 N
Santa Monica, CA 90404
Certified Mail # 7001 0360 0003 2704 3367

Under the laws of the State of California the foregoing is true and correct. This declaration was executed on February 10, 2006, at Los Angeles,

Maria Salazar
Declarant

Maria Salazar
Signature

7001 0360 0003 2704 3367
7001 0360 0003 2704 3299
7001 0360 0003 2704 3275
7001 0360 0003 2704 3282
7001 0360 0003 2704 3268

Sent To Street, Apt. No., or PO Box No. City, State, ZIP+4	Postage	\$
	Certified Fee	\$
	Return Receipt Fee (Endorsement Required)	\$
	Restricted Delivery Fee (Endorsement Required)	\$
	Total Postage & Fees	\$
Postmark Here		

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only - No Insurance Coverage Provided)

Exhibit B
Notice of Defense

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

In the Matter of the Against:

MOHAMADALI ABOLAHRAR
a.k.a. MOHAMMADALI ABOLAHRAR,
and REZA ABOLAHRAR

Respondents.

Case No. 2644

NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the ; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the .

DATED: February 13, 2006

Respondent's Name

Reza Abolahrar

Respondent's Signature

Respondent's Mailing Address

30089 Avenida Tranquila

City, State and Zip Code

Rancho Palos Verdes, CA 90275

Respondent's Telephone Number

(310) 251-2097

Check appropriate box:



I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

Herbert L. Weinberg, Esq.

Counsel's Mailing Address

1620 26th Street, Suite 6000 North

City, State and Zip Code

Santa Monica, CA 90404

Counsel's Telephone Number

(310) 315-8200

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

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

In the Matter of the Against:

MOHAMADALI ABOLAHRAR
a.k.a. MOHAMMADALI ABOLAHRAR,
and REZA ABOLAHRAR

Respondents.

Case No. 2644

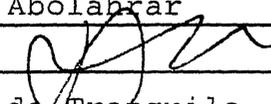
NOTICE OF DEFENSE

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the ; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the .

DATED: February 13, 2006

Respondent's Name	<u>Mohamadali Abolahrar</u>
Respondent's Signature	<u></u>
Respondent's Mailing Address	<u>30089 Avenida Tranquila</u>
City, State and Zip Code	<u>Rancho Palos Verdes, CA 90275</u>
Respondent's Telephone Number	<u>(310) 251-2097</u>

Check appropriate box:

I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name	<u>Herbert L. Weinberg, Esq.</u>
Counsel's Mailing Address	<u>1620 26th Street, Suite 6000 North</u>
City, State and Zip Code	<u>Santa Monica, CA 90404</u>
Counsel's Telephone Number	<u>(310) 315-8200</u>

I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

Exhibit C
Withdrawal of Notice of Defense

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

In the Matter of the Against:

MOHAMADALI ABOLAHRAR a.k.a.,
MOHAMMADALI ABOLAHRAR

and

REZA ABOLAHRAR

Respondents.

Case No. 2644

OAH No. L-2006040801

**RESPONDENT'S WITHDRAWAL OF
NOTICE OF DEFENSE/REQUEST FOR
HEARING**

In accordance with California Code of Regulations, title 1, section 1014, subdivision (c), I hereby withdraw the Notice of Defense or request for hearing previously filed, and waive my right to hearing in the above-entitled matter. I understand that the Board of Pharmacy shall decide whether to proceed with the hearing as a default, withdraw the matter, or take the matter off calendar and issue a default decision and order. I acknowledge that the outcome of this proceeding or default decision may be discipline up to and including license revocation. I have either consulted with legal counsel or, having been made aware of my right to do so, declined to consult with counsel. This withdrawal and waiver is made knowingly, intelligently, and voluntarily. If counsel has been engaged, counsel's signature in the appropriate section below indicates that counsel has approved this withdrawal and waiver as to form.

DATED: 10/13/06

Respondent's Name

MOHAMADALI & REZA ABOLAHRAR

Respondent's Signature

[Signature]

Respondent's Mailing Address

c/o HERBERT WEINBERG

City, State and Zip Code

1800 CENTURY PARK EAST 8TH FLOOR

Respondent's Telephone Number

LOS ANGELES CA 90067

Check appropriate box:

I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name

HERBERT WEINBERG c/o MCGUIRE WOODS

Counsel's Mailing Address

1800 CENTURY PARK EAST 8TH FLOOR

City, State and Zip Code

LOS ANGELES CA 90067

Counsel's Telephone Number

310 315 8200

I am not now represented by counsel.