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.

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

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

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

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

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

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

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

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

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

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

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

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

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

DETERMINATION OF ISSUES

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

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

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

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

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

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

ORDER

WHEREFORE, for the aforesaid causes the following order is made:

Pharmacist License No. 47336 issued to MOHAMADALI ABOLAHRAR a.k.a., MOHAMMADALI ABOLAHRAR is revoked.

Pharmacist License No. 47355 issued to REZA ABOLAHRAR is revoked.

Pursuant to Government Code Section 11520, respondent may, within seven (7) days after service of this decision on the respondent, serve a written motion requesting that this decision be vacated and stating the grounds relied on. Said written motion shall be sent to Board of Pharmacy, 1625 North Market Boulevard, Suite N-219, Sacramento, California, 95834. The Board, in its discretion, may vacate this decision and grant a hearing on a showing of good cause.

The Decision shall be effective on March 28, 2007.

DATED: February 26, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By William Powers
WILLIAM POWERS
Board President

Exhibit A

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

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

Attorneys for Complainant

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 ABOLAHRAR** 30089 Avenida Tranquila Rancho Palos Verdes, CA 90275 Pharmacist License No. RPH 47336, and **REZA ABOLAHRAR** 30089 Avenida Tranquila Rancho Palos Verdes, CA 90275 Pharmacist License No. RPH 47355 Respondents.	Case No. 2644 **ACCUSATION**

Complainant alleges:

PARTIES

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

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

License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2006, unless renewed.

3. On or about August 5, 1994, the Board issued Pharmacist License No. RPH 47355 to Reza Abolahrar (Respondent Reza Abolahrar). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2006, unless renewed.

4. On or about October 19, 1995, the Board issued Pharmacy Permit No. PHY 41230 to Shayda Corporation d.b.a. Bayview Pharmacy a.k.a Bayview Pharmacy, Inc., at 500 Torrance Blvd., Redondo Beach, California, with Respondent Mohamadali Abolahrar as Pharmacist-in Charge from October 19, 1995 through January 10, 1998, and Respondent Reza Abolahrar as Pharmacist-in Charge from January 1, 1998 through December 3, 1998. On or about December 3, 1998, Bayview Pharmacy filed a discontinuance of business notification and Pharmacy Permit No. PHY 41230 was canceled.

5. On or about July 24, 2001, the Board issued Pharmacy Permit No. PHY 43630 to Respondent Mohamadali Abolahrar to do business as Roxbury Pharmacy at 9821 W. Pico Blvd., Los Angeles, California, with Respondent Reza Abolahrar as Pharmacist-in-Charge. On or about February 24, 2004, Roxbury Pharmacy changed ownership and Pharmacy Permit No. PHY 43630 was canceled.

JURISDICTION

6. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

7. Section 118, subdivision (b), provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 4402, subdivision (e), states that "[a]ny other license [Pharmacy Permit] issued by the board may be canceled by the board if the license is not renewed within 60

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

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

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

11. Section 490 states:

"A board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action which a board is permitted to take following the establishment of a conviction may be taken 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 the provisions of Section 1203.4 of the Penal Code."

12. Section 810 states:

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

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

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

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

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

13. Section 4301 states, in pertinent part:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or 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.

. . . .

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

. . . .

"(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. . . ."

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

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, 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 his license or registration in a manner consistent with the public health, safety, or welfare."

15. Section 125.3 states, 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.

FIRST CAUSE FOR DISCIPLINE

(Convictions of Substantially Related Crimes)

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

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of crimes were substantially related to the qualifications, functions, or duties of a pharmacist. The circumstances regarding the convictions are as follows:

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

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

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

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

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

SECOND CAUSE FOR DISCIPLINE

(Presentation of False or Fraudulent Claims)

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

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:

1. Revoking or suspending Pharmacist License No. RPH 47336, issued to Mohamadali Abolahrar a.k.a. Mohammadali Abolahrar;

2. Revoking or suspending Pharmacist License No. RPH 47355, issued to Reza Abolahrar;

3. Ordering Mohamadali Abolahrar a.k.a. Mohammadali Abolahrar and Reza Abolahrar to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

4. Taking such other and further action as deemed necessary and proper.

DATED: 1/25/06

P. F. Harris

PATRICIA F. HARRIS
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California

Complainant

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

In the Matter of the Against:	Case No. 2644
MOHAMADALI ABOLAHRAR a.k.a. MOHAMMADALI ABOLAHRAR, and REZA ABOLAHRAR Respondents.	**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.

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

In the Matter of the Against:	Case No. 2644
MOHAMADALI ABOLAHRAR a.k.a. MOHAMMADALI ABOLAHRAR, and REZA ABOLAHRAR Respondents.	**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.

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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.

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

Attorneys for Complainant

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 **REQUEST FOR DISCOVERY** [Gov. Code § 11507.6]

TO RESPONDENT:

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

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

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:

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 persons;

c. Statements of witnesses then proposed to be called by the Respondent 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 Respondent now proposes to offer in evidence;

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

f. Investigative reports made by or on behalf of the Respondent 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 Request for Discovery, "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.

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

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

Attorneys for Respondents
MOHAMMADALI ABOLAHRAR,
and REZA ABOLAHRAR

BEFORE THE

BOARD OF PHARMACY

DEPARTMENT OF CONSUMER AFFAIRS

STATE OF CALIFORNIA

In the Matter of the Accusation Against: MOHAMMADALI ABOLAHRAR Pharmacist License No. RPH 47336 and REZA ABOLAHRAR Pharmacist License No. 47355 Respondent.	Case No. 2644 **REQUEST FOR DISCOVERY** **[Gov. Code Section 11507.6]**

TO THE CALIFORNIA STATE BOARD OF PHARMACY (the Board) AND ITS ATTORNEYS:

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

1. The names and addresses of witnesses known to the Board, including, but not limited to, those intended to be called to testify at the formal hearing;

2. Any statement pertaining to the subject matter of the proceeding made by any party to another party or person;

3. Statements of witnesses proposed to be called by the Board and or other persons

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

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

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

6. Investigative reports made by or on behalf of Board pertaining to the subject matter of the proceeding, to the extent that such reports (a) 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, (b) reflect matters perceived by the investigator in the course of his or her investigation, or (c) contain or include any attachment, any statement or writing described in 2. through 5., inclusive, or a summary thereof.

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

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

DATED: February 13, 2006

VAN ETTEN SUZUMOTO & BECKET LLP

By: _____

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

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

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

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

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

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

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

☐ **BY OVERNIGHT DELIVERY:** I deposited such document(s) in a box or other facility 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

Roseanne Di Marco-Burnham

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: MOHAMADALI ABOLAHRAR a.k.a. MOHAMMADALI ABOLAHRAR, and REZA ABOLAHRAR

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

7001 0360 0003 2704 3367
7001 0360 0003 2704 3299
7[0360 0003 2704 3275
7001 0360 0003 2704 3282
7001 0360 0003 2704 3268

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

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

opy of the **Statement to Respondent, Accusation, Notice of scovery, Discovery Statutes** was enclosed in a second sealed stage thereon fully prepaid, in the internal mail collection General at 300 South Spring Street, Suite 1702, Los ollows:

68

82

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 n was executed on February 10, 2006, at Los Angeles,

Maria Salazar
Declarant

Signature

pd

Exhibit B

Notice of Defense

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

In the Matter of the Against:	Case No. 2644
MOHAMADALI ABOLAHRAR a.k.a. MOHAMMADALI ABOLAHRAR, and REZA ABOLAHRAR Respondents.	**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.

60126811.wpd

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

In the Matter of the Against:	Case No. 2644
MOHAMADALI ABOLAHRAR a.k.a. MOHAMMADALI ABOLAHRAR, and REZA ABOLAHRAR Respondents.	**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: Mohamadali 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.

60126811.wpd

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.