

1 BILL LOCKYER, Attorney General
of the State of California
2 NICHOLAS A. SANCHEZ, State Bar No. 207998
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2542
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2787

12 SINAI PHARMACY INC.
6900 Reseda Blvd., Suite E
Reseda, CA 91335

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

13 Original Pharmacy Permit No. PHY 35347

14 and

15 MAJID ZARRINNAM
10855 Savona Road
16 Los Angeles, CA 90077

17 Original Pharmacist License No. RPH 41736

18 Respondents.

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
21 above-entitled proceedings that the following matters are true:

22 PARTIES

23 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
24 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
25 by Bill Lockyer, Attorney General of the State of California, by Nicholas A. Sanchez, Deputy
26 Attorney General.

27 \\\

28

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up
4 each and every right set forth above.

5 CULPABILITY

6 9. Respondent admits the truth of each and every charge and allegation in
7 Accusation No. 2787.

8 10. Respondent agrees that his Pharmacist License and Original Pharmacy
9 Permit are subject to discipline and he agrees to be bound by the Board of Pharmacy (Board)'s
10 imposition of discipline as set forth in the Disciplinary Order below.

11 CONTINGENCY

12 11. This stipulation shall be subject to approval by the Board of Pharmacy.
13 Respondent understands and agrees that counsel for Complainant and the staff of the Board of
14 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
15 without notice to or participation by Respondent or his counsel. By signing the stipulation,
16 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind
17 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
18 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 12. The parties understand and agree that facsimile copies of this Stipulated
23 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
24 force and effect as the originals.

25 13. In consideration of the foregoing admissions and stipulations, the parties
26 agree that the Board may, without further notice or formal proceeding, issue and enter the
27 following Disciplinary Order:

28 \\\

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 41 736 issued to
3 Respondent Majid Zarrinnam (Respondent), and Original Pharmacy Permit No. PHY 35347
4 issued to Respondent, as President and Pharmacist-in-Charge of Sinai Pharmacy Inc., are
5 revoked. However, the revocation of Respondent's Pharmacist License is stayed and Respondent
6 is placed on probation for three (3) years on the following terms and conditions.

7 1. **Actual Suspension.** Pharmacist License number RPH 41 736, issued to
8 Respondent Majid Zarrinnam is suspended until Respondent takes and passes the California
9 Pharmacist Jurisprudence Exam (CPJE) and is notified, in writing, that he has passed the
10 examination. Failure to take and pass the CPJE within one year of the effective date of this
11 decision shall be considered a violation of probation.

12 During suspension, Respondent shall not enter any pharmacy area or any portion
13 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
14 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
15 drugs and devices or controlled substances are maintained. Respondent shall not practice
16 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
17 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or
18 be a consultant to any licensee of the Board, or have access to or control the ordering,
19 manufacturing or dispensing of dangerous drugs and devices or controlled substances.

20 Respondent shall not engage in any activity that requires the professional
21 judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of
22 pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for
23 any entity licensed by the Board. Subject to the above restrictions, Respondent may continue to
24 own or hold an interest in any pharmacy in which he holds an interest at the time this decision
25 becomes effective unless otherwise specified in this order.

26 2. **Obey All Laws.** Respondent shall obey all state and federal laws and
27 regulations substantially related to or governing the practice of pharmacy.

28 \\\

1 Respondent shall report any of the following occurrences to the Board, in writing,
2 within 72 hours of such occurrence:

- 3 • an arrest or issuance of a criminal complaint for violation of any provision of the
4 Pharmacy Law, state and federal food and drug laws, or state and federal
5 controlled substances laws
- 6 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
7 any criminal complaint, information or indictment
- 8 • a conviction of any crime
- 9 • discipline, citation, or other administrative action filed by any state and federal
10 agency which involves Respondent's license or which is related to the practice
11 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
12 or charging for any drug, device or controlled substance.

13 3. **Reporting to the Board.** Respondent shall report to the Board
14 quarterly. The report shall be made either in person or in writing, as directed. Respondent
15 shall state under penalty of perjury whether there has been compliance with all the terms and
16 conditions of probation. If the final probation report **is not** made as directed, probation shall
17 be extended automatically until such time as the final report is made and accepted by the
18 Board.

19 4. **Interview with the Board.** Upon receipt of reasonable notice,
20 Respondent shall appear in person for interviews with the Board upon request at various
21 intervals at a location to be determined by the Board. Failure to appear for a scheduled
22 interview without prior notification to Board staff shall be considered a violation of probation.

23 5. **Cooperation with Board Staff.** Respondent shall cooperate with the
24 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
25 compliance with the terms and conditions of his probation. Failure to comply shall be
26 considered a violation of probation.

27 6. **Continuing Education.** Respondent shall provide evidence of efforts
28 to maintain skill and knowledge as a pharmacist as directed by the Board.

1 7. **Notice to Employers.** Respondent shall notify all present and
2 prospective employers of the decision in Accusation Against Zarrinnam, Case Number 2787
3 and the terms, conditions and restrictions imposed on Respondent by the decision. Within 30
4 days of the effective date of this decision, and within 15 days of Respondent undertaking new
5 employment, Respondent shall cause his direct supervisor, pharmacist-in-charge and/or owner
6 to report to the Board in writing acknowledging the employer has read the decision in Case
7 Number 2787.

8 If Respondent works for or is employed by or through a pharmacy employment
9 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
10 every pharmacy of the and terms conditions of the decision in Case Number 2787 in advance
11 of the Respondent commencing work at each pharmacy.

12 "Employment" within the meaning of this provision shall include any full-time, part-
13 time, temporary, relief or pharmacy management service as a pharmacist, whether the
14 Respondent is considered an employee or independent contractor.

15 8. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
16 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
17 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
18 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
19 order.

20 9. **Reimbursement of Board Costs.** Respondent shall pay to the Board
21 its costs of investigation and prosecution in the amount of \$3,500.00. Payment shall be due on
22 a quarterly basis, with the entire amount to be paid within three (3) years. If the total cost
23 recovery of \$3,500.00 is not made as directed, probation shall be automatically extended until
24 such time as the complete amount is paid.

25 The filing of bankruptcy by Respondent shall not relieve Respondent of his
26 responsibility to reimburse the Board its costs of investigation and prosecution.

27 \\

28 \\

1 10. **Probation Monitoring Costs.** Respondent shall pay the costs
2 associated with probation monitoring as determined by the Board each and every year of
3 probation. Such costs shall be payable to the Board at the end of each year of probation.
4 Failure to pay such costs shall be considered a violation of probation.

5 11. **Status of License.** Respondent shall, at all times while on probation,
6 maintain an active current license with the Board, including any period during which
7 suspension or probation is tolled.

8 If Respondent's license expires or is cancelled by operation of law or otherwise,
9 upon renewal or reapplication, Respondent's license shall be subject to all terms and
10 conditions of this probation not previously satisfied.

11 12. **License Surrender while on Probation/Suspension.** Following the
12 effective date of this decision, should Respondent cease practice due to retirement or health, or
13 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
14 his license to the Board for surrender. The Board shall have the discretion whether to grant
15 the request for surrender or take any other action it deems appropriate and reasonable. Upon
16 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
17 terms and conditions of probation.

18 Upon acceptance of the surrender, Respondent shall relinquish his pocket
19 license to the Board within 10 days of notification by the Board that the surrender is accepted.
20 Respondent may not reapply for any license from the Board for three years from the effective
21 date of the surrender. Respondent shall meet all requirements applicable to the license sought
22 as of the date the application for that license is submitted to the Board.

23 13. **Notification of Employment/Mailing Address Change.** Respondent
24 shall notify the Board in writing within 10 days of any change of employment. Said
25 notification shall include the reasons for leaving and/or the address of the new employer,
26 supervisor or owner and work schedule if known. Respondent shall notify the Board in
27 writing within 10 days of a change in name, mailing address or phone number.

28 \\

1 14. **Tolling of Probation.** Respondent shall work at least 40 hours in each
2 calendar month as a pharmacist and at least an average of 80 hours per month in any six
3 consecutive months. If Respondent has not complied with this condition during the
4 probationary term, and Respondent has presented sufficient documentation of his good faith
5 efforts to comply with this condition, and if no other conditions have been violated, the Board
6 shall have the discretion whether Respondent's failure to do so will be a violation of
7 probation. The Board, in its discretion, may grant an extension of Respondent's probation
8 period up to one year without further hearing in order to comply with this condition.

9 15. **Violation of Probation.** If Respondent violates probation in any
10 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
11 probation and carry out the disciplinary order which was stayed. If a petition to revoke
12 probation or an accusation is filed against Respondent during probation, the Board shall have
13 continuing jurisdiction and the period of probation shall be extended, until the petition to
14 revoke probation or accusation is heard and decided.

15 If Respondent has not complied with any term or condition of probation, the
16 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
17 be extended until all terms and conditions have been satisfied or the Board has taken other
18 action as deemed appropriate to treat the failure to comply as a violation of probation, to
19 terminate probation, and to impose the penalty which was stayed.

20 16. **Completion of Probation.** Upon successful completion of probation,
21 Respondent's license will be fully restored.

22 17. **Examination.** Respondent shall take and pass the California
23 Pharmacist Jurisprudence Exam (CPJE) at Respondent's own expense. Respondent shall be
24 suspended from the practice of pharmacy until he takes and passes the CPJE and is notified, in
25 writing, that he has passed the examination.

26 18. **No Ownership of Premises.** Respondent shall not own, have any legal
27 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
28 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter

1 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
 2 entity licensed by the Board within 90 days following the effective date of this decision and
 3 shall immediately thereafter provide written proof thereof to the Board.

4 19. **Tolling of Suspension.** If Respondent leaves California to reside or
 5 practice outside this state, for any period exceeding 10 days (including vacation), Respondent
 6 must notify the Board in writing of the dates of departure and return. Periods of residency or
 7 practice outside the state - or any absence exceeding a period of 10 days shall not apply to the
 8 reduction of the suspension period.

9 Respondent shall not practice pharmacy upon returning to this state until
 10 notified by the Board that the period of suspension has been completed.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order
 13 and have fully discussed it with my attorney, Ali Zarrinnam. I understand the stipulation and
 14 the effect it will have on my License and Original Pharmacy Permit. I enter into this
 15 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
 16 agree to be bound by the Decision and Order of the Board of Pharmacy.

17 DATED: 06/16/05

18 
 19 _____
 20 MAJID ZARRINNAM (Respondent)
 Respondent

21 I have read and fully discussed with Respondent Majid Zarrinnam the terms
 22 and conditions and other matters contained in the above Stipulated Settlement and
 23 Disciplinary Order. I approve its form and content.

24 DATED: 6/17/05

25 
 26 _____
 27 ALI ZARRINNAM
 Attorney for Respondent

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: June 17, 2005.

BILL LOCKYER, Attorney General
of the State of California


NICHOLAS A. SANCHEZ
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2004601406
50034397.wpd

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:

Case No. 2787

SINAI PHARMACY INC
6900 Reseda Blvd, Suite E
Reseda, CA 91335

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Original Pharmacy Permit No. PHY 35347

And

MAJID ZARRINNAM
10855 Savona Rd
Los Angeles, CA 90077

Original Pharmacist License No. RPH 41736

Respondents.

15
16
17
18
19
20
21
22
23
24
25
26
27
28

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above-entitled matter.

This decision shall become effective on September 2, 2005.

It is so ORDERED on August 3, 2005.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

Exhibit A
Accusation No. 2787

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2562
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7

8

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

9

10

11 In the Matter of the Accusation Against:

Case No. 2787

12 SINAI PHARMACY INC.
6900 Reseda Blvd., Suite E
13 Reseda, CA 91335

A C C U S A T I O N

14 Original Pharmacy Permit No. PHY 35347

15 and

16 MAJID ZARRINNAM
3450 Sawtelle Blvd., #131
17 Los Angeles, CA 90066

18 Original Pharmacist License No. RPH 41736

19 Respondents.

20

21 Complainant alleges:

22

PARTIES

23

24 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
25 Affairs.

26

27 2. On or about November 10, 1988, the Board of Pharmacy issued Original
Pharmacy Permit No. PHY 35347 to Sinai Pharmacy Inc. (Respondent Pharmacy). The Original
28 Pharmacy Permit was canceled on July 20, 2000 when a change of ownership occurred.

1 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.
2 The board may inquire into the circumstances surrounding the commission of the crime, in order
3 to fix the degree of discipline or, in the case of a conviction not involving controlled substances
4 or dangerous drugs, to determine if the conviction is of an offense substantially related to the
5 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty
6 or a conviction following a plea of nolo contendere is deemed to be a conviction within the
7 meaning of this provision. The board may take action when the time for appeal has elapsed, or
8 the judgment of conviction has been affirmed on appeal or when an order granting probation is
9 made suspending the imposition of sentence, irrespective of a subsequent order under Section
10 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a
11 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,
12 or indictment.

13 7. Section 490 of the Code states:

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

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

24 "For the purpose of denial, suspension, or revocation of a personal or facility
25 license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions
26 Code, a crime or act shall be considered substantially related to the qualifications, functions or
27 duties of a licensee or registrant if to a substantial degree it evidences present or potential

28 ///

1 Respondent was billing insurance companies for prescriptions not dispensed to patients. The
 2 circumstances are that from on or about October 23, 1999 to on or about January 5, 2000,
 3 Respondent would bill the insurance companies for prescriptions without actually dispensing any
 4 medication to the patients. Respondent Zarrinnam would fill a portion of the prescription and
 5 bill the insurance companies for the full amount of the prescriptions. Respondents billed the
 6 insurance companies for medication dispensed to the following patients but as of January 21,
 7 2000, the patients had not receive the medication:

	<u>Billed to</u>	<u>Prescription #</u>	<u>Drug</u>	<u>Balance Due</u>
	<u>Insurance</u>			
8	10/23/1999	380121	50 Risperdal 0.5mg.	not received
9	12/27/1999	385972	Fosamax	26 tablets
10	12/20/1999	385326	Sunalar Oint .025%	Not received
11	01/05/2000	386954	13 GM Serevent Inhaler	Not received

12 **OTHER MATTERS**

13 13. Business and Professions Code section 4307(a) provides, in pertinent part,
 14 that any person whose license has been revoked or is under suspension, or who has failed to
 15 renew his or her license while it was under suspension, or who has been a manager, administer,
 16 owner, member, officer, director, associate, or partner and while acting as the manager,
 17 administer, owner, member, officer, director, associate, or partner had knowledge of or
 18 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
 19 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
 20 member, officer, director, associate, or partner of a licensee.

21 **PRAYER**

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

24 A. Revoking or suspending Original Pharmacy Permit No. PHY 35347 issued
 25 to Sinai Pharmacy Inc.

26 B. Revoking or suspending Original Pharmacist License No. RPH 41736
 27 issued to Majid Zarrinnam.

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C. Ordering Sinai Pharmacy, Inc. and Majid Zarrinnam 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;

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

DATED: 2/22/05

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

LA2004601406
Sinai.acc.60058073.wpd