

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

In the Matter of the Accusation Against:

FARIBA DADKHO  
P.O. Box 5206  
Santa Monica, CA 90409

Pharmacist License No. RPH 50036

Respondent.

Case No. 2997

OAH No.

**DECISION AND ORDER**

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

This Decision shall become effective on October 5, 2007.

It is so ORDERED September 5, 2007.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



WILLIAM POWERS  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KEVIN W. BUSH, State Bar No. 210322  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:  
12 FARIBA DADKHO  
P.O. Box 5206  
13 Santa Monica, CA 90409  
14  
15 Pharmacist License No. RPH 50036  
16 Respondent.

Case No. 2997  
OAH No. L-2007060740  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
19 above-entitled proceedings that the following matters are true:

20 PARTIES

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of  
22 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
23 by Edmund G. Brown Jr., Attorney General of the State of California, by Kevin W. Bush, Deputy  
24 Attorney General.

25 2. Respondent Fariba Dadkho (Respondent) is represented in this proceeding  
26 by attorney James V. Kosnett, Esq., whose address is 11355 West Olympic Blvd., Suite 300  
27 Los Angeles, CA 90064.

28 //



1 she agrees to be bound by the Board of Pharmacy (Board) 's imposition of discipline as set forth  
2 in the Disciplinary Order below.

3 CIRCUMSTANCES IN MITIGATION

4 10. Respondent Fariba Dadkho has never been the subject of any disciplinary  
5 action. She is admitting responsibility at an early stage in the proceedings.

6 CONTINGENCY

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

17 OTHER MATTERS

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

21 DISCIPLINARY ORDER

22 In consideration of the foregoing admissions and stipulations, the parties agree  
23 that the Board may, without further notice or formal proceeding, issue and enter the following  
24 Disciplinary Order:

25 IT IS HEREBY ORDERED that Pharmacist License No. RPH 50036 issued to  
26 Respondent Fariba Dadkho (Respondent) is revoked. However, the revocation is stayed and  
27 Respondent is placed on probation for five (5) years on the following terms and conditions.

28 1. **Obey All Laws.** Respondent shall obey all state and federal laws and

1 regulations substantially related to or governing the practice of pharmacy.

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

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

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

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

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

28 5. **Continuing Education.** Respondent shall provide evidence of efforts

1 to maintain skill and knowledge as a pharmacist as directed by the Board.

2           6.       **Notice to Employers.** Respondent shall notify all present and  
3 prospective employers of the decision in case number 2997 and the terms, conditions and  
4 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
5 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
6 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
7 writing acknowledging the employer has read the decision in case number 2997.

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 2997 in advance of  
11 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           7.       **Being Pharmacist-in-Charge (PIC), or Serving as a Consultant.**  
16 Respondent shall not be the pharmacist-in-charge of any entity licensed by the Board unless  
17 otherwise specified in this order.

18           8.       **Reimbursement of Board Costs.** Respondent shall pay to the Board  
19 its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall make  
20 said payments as follows: Respondent may make payments on a quarterly basis with the first  
21 payment being due 30 days after the effective date of this decision.

22           The filing of bankruptcy by Respondent shall not relieve Respondent of her  
23 responsibility to reimburse the Board its costs of investigation and prosecution.

24           9.       **Probation Monitoring Costs.** Respondent shall pay the costs  
25 associated with probation monitoring as determined by the Board each and every year of  
26 probation. Such costs shall be payable to the Board at the end of each year of probation.  
27 Failure to pay such costs shall be considered a violation of probation.

28           10.      **Status of License.** Respondent shall, at all times while on probation,

1 maintain an active current license with the Board, including any period during which  
2 suspension or probation is tolled. If Respondent's license expires or is cancelled by operation  
3 of law or otherwise, upon renewal or reapplication, Respondent's license shall be subject to all  
4 terms and conditions of this probation not previously satisfied.

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

12                     Upon acceptance of the surrender, Respondent shall relinquish her pocket  
13 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
14 Respondent may not reapply for any license from the Board for three years from the effective  
15 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
16 as of the date the application for that license is submitted to the Board.

17           12.     **Notification of Employment/Mailing Address Change.** Respondent  
18 shall notify the Board in writing within 10 days of any change of employment. Said  
19 notification shall include the reasons for leaving and/or the address of the new employer,  
20 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
21 writing within 10 days of a change in name, mailing address or phone number.

22           13.     **Tolling of Probation.** Should Respondent, regardless of residency, for  
23 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in  
24 California, Respondent must notify the Board in writing within 10 days of cessation of the  
25 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time  
26 shall not apply to the reduction of the probation period. It is a violation of probation for  
27 Respondent's probation to remain tolled pursuant to the provisions of this condition for a  
28 period exceeding three years.

1 "Cessation of practice" means any period of time exceeding 30 days in which  
2 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of  
3 the Business and Professions Code.

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

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

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

17 16. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**  
18 Within 30 days of the effective date of this decision, Respondent shall contact the PRP, and  
19 complete two independent assessments. Should both assessments determine respondent is not  
20 appropriate for participation in the PRP, this term shall be deemed satisfied. The costs for the  
21 assessments shall be borne by the Respondent.

22 Should at least one assessment determine Respondent is appropriate for the  
23 PRP, Respondent shall participate in and complete the treatment contract and any subsequent  
24 addendums as recommended and provided by the PRP and as approved by the board or its  
25 designee. The costs for PRP participation shall be borne by the Respondent.

26 If Respondent is currently enrolled in the PRP, said participation is now  
27 mandatory and is no longer considered a self-referral under Business and Professions Code  
28 section 4363, as of the effective date of this decision. Respondent shall successfully



1 participate in and complete her current contract and any subsequent addendums with the PRP.  
2 Probation shall be automatically extended until Respondent successfully completes her  
3 treatment contract. Any person terminated from the program shall be automatically suspended  
4 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified  
5 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate  
6 probation for any violation of this term.

7           17.     **Random Drug Screening.** Respondent, at her own expense, shall  
8 participate in random testing, including but not limited to biological fluid testing (urine,  
9 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.  
10 The length of time shall be for the entire probation period and the frequency of testing will be  
11 determined by the Board. At all times Respondent shall fully cooperate with the Board, and  
12 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,  
13 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as  
14 directed shall constitute a violation of probation. Any confirmed positive drug test shall result  
15 in the immediate suspension of practice by Respondent. Respondent may not resume the  
16 practice of pharmacy until notified by the Board in writing.

17           18.     **Abstain from Drugs and Alcohol Use.** If Respondent is determined to  
18 be in need of participating in the PRP, Respondent shall completely abstain from the  
19 possession or use of alcohol, controlled substances, dangerous drugs and their associated  
20 paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part  
21 of a documented medical treatment. Upon request of the Board, Respondent shall provide  
22 documentation from the licensed practitioner that the prescription was legitimately issued and  
23 is a necessary part of the treatment of the Respondent.

24           19.     **Community Services Program.** Within 60 days of the effective date  
25 of this decision, Respondent shall submit to the Board, for its prior approval, a community  
26 service program in which Respondent shall provide free health-care related services on a  
27 regular basis to a community or charitable facility or agency for at least 100 hours per to be  
28 completed within the first 36 months of probation.



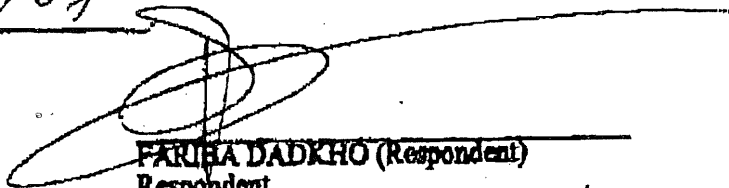
1 provide written proof thereof to the Board.

2 21. Criminal Probation/Parole Reports. Respondent shall provide a copy of  
3 the conditions of any criminal probation/parole to the Board, in writing, within 10 days of the  
4 issuance or modification of those conditions. Respondent shall provide the name of her  
5 probation/parole officer to the Board, in writing, within 10 days after that officer is designated or a  
6 replacement for that officer is designated. Respondent shall provide a copy of all criminal  
7 probation/parole reports to the Board within 10 days after Respondent receives a copy of such a  
8 report.

9 **ACCEPTANCE**

10 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
11 have fully discussed it with my attorney, James V. Kosnett, Esq. I understand the stipulation and  
12 the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and  
13 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision  
14 and Order of the Board of Pharmacy.

15  
16 DATED: 7/25/07

17   
18 **FARIHA DADKHO (Respondent)**  
19 Respondent

20  
21 I have read and fully discussed with Respondent Fariba Dadkho the terms and  
22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
23 I approve its form and content.

24 DATED: 7-25-07

25  
26   
27 **JAMES V. KOSNETT, ESQ.**  
28 Attorney for Respondent

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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: 7/25/07

EDMUND G. BROWN JR., Attorney General  
of the State of California

JENNIFER S. CADY  
Supervising Deputy Attorney General



KEVIN W. BUSH  
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2006600908  
60232268.wpd

**Exhibit A**  
**Accusation No. 2997**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 JENNIFER S. CADY  
Supervising Deputy Attorney General  
3 KEVIN W. BUSH, State Bar No. 210322  
Deputy Attorney General  
4 California Department of Justice  
300 So. Spring Street, Suite 1702  
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8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2997

12 FARIBA DADKHO  
10 19th Ave. #10  
13 Venice, CA 90291

**ACCUSATION**

14 Pharmacist License No. RPH 50036

15 Respondent.

17 Complainant alleges:

18 PARTIES

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

22 2. On or about April 1, 1998, the Board issued Original Pharmacist License  
23 No. RPH 50036 to Fariba Dadkho (Respondent). The Pharmacist License was in full force and  
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2007, unless  
25 renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board, under the authority of the  
28 following laws. All Section references are to the Business and Professions Code unless

1 otherwise indicated.

2           4.       Section 4300, subdivision (a), states that “[e]very license issued may be  
3 suspended or revoked.”

4           5.       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           . . . .

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

16           . . . .

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

1 the judgment of conviction has been affirmed on appeal or when an order granting probation is  
2 made suspending the imposition of sentence, irrespective of a subsequent order under Section  
3 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a  
4 plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information,  
5 or indictment.

6 . . . .

7 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
8 abetting the violation of or conspiring to violate any provision or term of this chapter or of the  
9 applicable federal and state laws and regulations governing pharmacy, including regulations  
10 established by the board. . . .”

11 6. Section 490 states:

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

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

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

28 8. Section 125.3 states, in pertinent part, that the Board may request the



1 administrative law judge to direct a licentiate found to have committed a violation or violations  
2 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
3 enforcement of the case.

#### 4 STATE DRUG STATUTES

5 9. Section 4060 states, in pertinent part, that “[n]o person shall possess any  
6 controlled substance, except that furnished to a person upon the prescription of a physician,  
7 dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or  
8 furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
9 2746.51, a nurse practitioner pursuant to Section 2836.1, a physician assistant pursuant to  
10 Section 3502.1, a naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to  
11 either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5)  
12 of subdivision (a) of Section 4052. . . .”

13 10. Health and Safety Code section 11170 states that “[n]o person shall  
14 prescribe, administer, or furnish a controlled substance for himself.”

15 11. Health and Safety Code section 11171 states that “[n]o person shall  
16 prescribe, administer, or furnish a controlled substance except under the conditions and in the  
17 manner provided by this division [Division 10, commencing with section 11000 of the Health  
18 and Safety Code].”

19 12. Health and Safety Code section 11173, subdivision (a), provides that it is  
20 illegal to possess a controlled substance without a valid prescription.

#### 21 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

22 13. Lunesta, a trade name for eszopiclone an S-isomer of zopiclone, is a  
23 Schedule IV controlled substance as designated by 21 Code of Federal Regulations section  
24 1308.14(c)(51) and is categorized as a dangerous drug pursuant to Business and Professions  
25 Code section 4022.

26 14. Morphine/Morphine Sulfate, a narcotic substance, is a Schedule II  
27 controlled substance pursuant to Health and Safety Code Section 11055(b)(1)(M) and is  
28 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.



