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6	BEFORE THE BOARD OF PHARMACY		
7	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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9	In the Matter of the Accusation Against:	Case No. 3221	
10	RIHAAD ALI 843 Viceroy Way	OAH No. 2009090537	
11	San Jose, Čalifornia 95133	DEFAULT DECISION AND ORDER	
12	Pharmacy Technician License No. TCH 38102	[Gov. Code, §11520]	
13	Respondent.		
14	FINDINGS	<u>OF FACT</u>	
15	1. On or about April 10, 2009, Complain	ant Virginia Herold, in her official capacity as	
16	the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed		
17	Accusation No. 3221 against Rihaad Ali (Respondent), before the Board of Pharmacy. On or		
18	about August 20, 2009, Complainant Virginia Herold, in her official capacity as the Executive		
19	Officer of the Board of Pharmacy, Department of	Consumer Affairs, filed First Amended	
20	Accusation No. 3221 against Rihaad Ali (Respond	ent), before the Board of Pharmacy.	
21	2. On or about February 21, 2002, the Board of Pharmacy (Board) issued Pharmacy		
22	Technician License No. TCH 38102 to Respondent. The License was in full force and effect at		
23	all times relevant to the charges brought herein and will expire on May 31, 2011, unless renewed.		
24	3. On or about April 14, 2009 and August 26, 2009, Fe M. Domingo, an employee of		
25	the Department of Justice, served Accusation No. 3221 and First Amended Accusation No. 3221,		
26	each with accompanying materials, by Certified and First Class Mail, to Respondent's address of		
27	record with the Board, which was and is: 843 Viceroy Way, San Jose California 95133. A copy		
28	of the First Amended Accusation is attached as ex	hibit A, and is incorporated herein by reference.	
	1		
(	DEFAULT DECISION	NAND ORDER (Case No. 3221; OAH No. 2009090537)	

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

5. On or about April 27, 2009, Respondent returned a Notice of Defense, requesting a hearing in this matter. On or about September 18, 2009, a Notice of Hearing was served by both Certified and First Class Mail to Respondent's address of record, informing him an administrative hearing in this matter was scheduled for November 24, 2009. Respondent failed to appear at that hearing. Copies of the Notice of Defense and the Notice of Hearing are attached as exhibit B, and incorporated herein by reference. In addition, on or about September 21, 2009, the Certified Mail Return Receipt card was returned to the Department of Justice, dated September 19, 2009 for the receipt of the Notice of Hearing, with what appears to be Respondent's signature. A copy of the Certified Mail Return Receipt card is included with the documents in exhibit B.

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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.

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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.

8. Pursuant to its authority under Government Code section 11520, the Board finds
 Respondent is in default. The Board will take action without further hearing and, based on the
 evidence on file herein, finds that the allegations in First Amended Accusation No. 3221 are true.

9. The total costs for investigation and enforcement in connection with the Accusation
and First Amended Accusation are \$8,035.75 as of November 30, 2009.

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## DETERMINATION OF ISSUES

Based on the foregoing findings of fact, Respondent Rihaad Ali has subjected his
 Pharmacy Technician License No. TCH 38102 to discipline.

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A copy of the First Amended Accusation is attached.

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

4. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician License based upon the following violations alleged in the First Amended Accusation:

a. In violation of Business and Professions Code section 4301(f), Respondent engaged in actions involving moral turpitude, dishonesty, fraud, deceit or corruption when he, on or about September 10, 2006, was found apparently under the influence of drugs or alcohol, in possession of the controlled substance **methamphetamine**, a smoking pipe, and a wild catfish for which he could not produce a fishing license, and/or when he, on or about July 20, 2007, made a red turn on a red light, and was found to be driving while under the influence of alcohol or drugs and/or to be driving with a blood alcohol content in excess of 0.08%;

- b. In violation of Business and Professions Code section 4301(h), by way of the actions
  described in paragraph 4(a) above, Respondent administered a controlled substance to himself
  and/or used alcoholic beverages in a dangerous or injurious manner;
- c. In violation of Business and Professions Code sections 4301(l) and or 490, on or
  about June 19, 2008, based on the conduct described in paragraph 4(a) above, Respondent was
  convicted of the substantially related crimes of violating Health and Safety Code sections 11377
  (Possession of Controlled Substance methamphetamine), 11550 (Being Under the Influence of
  Controlled Substance methamphetamine), and 11364 (Possession of Drug Paraphernalia);

d. In violation of Business and Professions Code sections 4301(j), 4301(o) and/or 4060,
and/or Health and Safety Code section 11350, by way of the actions described in paragraph 4(a)
above, Respondent possessed, conspired to possess, and/or assisted in or abetted possession of, a
controlled substance, without a prescription;

e. In violation of Business and Professions Code sections 4301(j), 4301(o) and/or Health
and Safety Code section(s) 11170 and/or 11550, by way of the actions described in paragraph
4(a) above, Respondent self-administered/used, conspired to self-administer/use, and/or assisted
in or abetted self-administration use of, a controlled substance, without a prescription;

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1	f. In violation of Business and Professions Code sections 4301(l) and or 490, on or
2	about March 12, 2008, based on the conduct described in paragraph 4(a) above, Respondent was
3	convicted of the substantially related crimes of violating Vehicle Code section 23152(b) (Driving
4	with a Blood Alcohol Content in Excess of 0.08%) and Health and Safety Code section 11550
5	(Being Under the Influence of Controlled Substance – methamphetamine);
6	g. In violation of Business and Professions Code section 4301, by way of the actions
7	described in paragraph(s) 4(a) to 4(f) above, Respondent engaged in unprofessional conduct.
8	ORDER
9	IT IS SO ORDERED that Pharmacy Technician License No. TCH 38102, heretofore issued
10	to Respondent Rihaad Ali, is revoked.
11	Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
12	written motion requesting that the Decision be vacated and stating the grounds relied on within
13	seven (7) days after service of the Decision on Respondent. The agency in its discretion may
14	vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.
15	This Decision shall become effective on April 8, 2010.
. 16	It is so ORDERED March 9, 2010.
17	Benneth H. Scheel
18	KENNETH H. SCHELL, BOARD PRESIDENT
19	FOR THE BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS
20	
21	40406627.DOC DOJ docket number:SF2008201012
22	Attachments:
23	Exhibit A: First Amended Accusation No.3221
24	Exhibit B: Notice of Defense, Notice of Hearing (with service documents)
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	DEFAULT DECISION AND ORDER (Case No. 3221; OAH No. 2009090537)

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## Exhibit A First Amended Accusation No. 3221

Notice of Defense, Notice of Hearing (with service documents)

# Exhibit B

1	EDMUND G. BROWN JR., Attorney General of the State of California		
2	FRANK H. PACOE Supervising Deputy Attorney General		
3	JOSHUA A. ROOM, State Bar No. 214663 Deputy Attorney General		
4	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
5	Telephone: (415) 703-1299 Facsimile: (415) 703-5480		
6 7	Attorneys for Complainant		
	BEFORE		
8	BOARD OF PHA DEPARTMENT OF CON	SUMER AFFAIRS	
9	STATE OF CAL	IFORNIA	
10	In the Matter of the Accusation Against:	Case No. 3221	
11	RIHAAD ALI		
12	843 Viceroy Way San Jose, California 95133	FIRST AMENDED ACCUSATION	
13	Pharmacy Technician License No. TCH 38102		
14	Respondent.		
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17	Complainant alleges:		
18	PARTIE	<u>S</u>	
19	<ol> <li>Virginia Herold (Complainant) brings this Accusation solely in her offic</li> <li>capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs</li> <li>On or about February 21, 2002, the Board of Pharmacy issued Pharmace</li> </ol>		
. 20			
21			
22	Technician License No. TCH 38102 to Rihaad Ali (Respondent). The License was in full force		
23	and effect at all times relevant to these charges and y	will expire on May 31, 2011, unless renewed.	
24	JURISDICT	<u>ION</u>	
25	3. This Accusation is brought be	fore the Board of Pharmacy (Board),	
26	Department of Consumer Affairs, under the authorit	y of the following laws. All section	
27	references are to the Business and Professions Code	(Code) unless otherwise indicated.	
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4. Section 4011 of the Code provides that the Board shall administer and
 enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 <u>et seq.</u>] and the Uniform Controlled
 Substances Act [Health & Safety Code, § 11000 <u>et seq.</u>].

5. Section 4300(a) of the Code provides that every license issued by the
Board may be suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, 7 expiration, surrender, or cancellation 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. 8 restored, reissued or reinstated. Section 4402(a) of the Code provides that any pharmacist license 9 that is not renewed within three years following its expiration may not be renewed, restored, or 10 reinstated and shall be canceled by operation of law at the end of the three-year period. Section 11 4402(e) of the Code provides that any other license issued by the Board may be canceled by the 12 13 Board if not renewed within 60 days after its expiration, and any license canceled in this fashion may not be reissued but will instead require a new application to seek reissuance. 14

#### STATUTORY PROVISIONS

7. Section 4301 of the Code provides, in pertinent part, that the Board shall
take action against any holder of a license who is guilty of "unprofessional conduct," defined to
include, but not be limited to, any of the following:

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(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.

(h) The administering to oneself, of any controlled substance, or the use of any
dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or
injurious to oneself, to a person holding a license under this chapter, or to any other person or to
the public, or to the extent that the use impairs the ability of the person to conduct with safety to
the public the practice authorized by the license.

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

(1) The conviction of a crime substantially related to the qualifications, functions,
 and duties of a licensee under this chapter.

3 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
4 abetting the violation of or conspiring to violate any provision or term of this chapter or of the
5 applicable federal and state laws and regulations governing pharmacy, including regulations
6 established by the board or by any other state or federal regulatory agency.

8. Section 490 of the Code provides, in pertinent part, that the Board may
suspend or revoke a license when it finds that the licensee has been convicted of a crime
substantially related to the qualifications, functions or duties of the license.

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9. 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."

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10. Section 4060 of the Code provides, in pertinent part, that no person shall possess any controlled substance, except that furnished upon a valid prescription/drug order.

19 11. Health and Safety Code section 11170 provides that no person shall
20 prescribe, administer, or furnish a controlled substance for himself or herself.

Health and Safety Code section 11364, in pertinent part, makes it unlawful
to possess an opium pipe or other paraphernalia used to inject or smoke controlled substances.

Health and Safety Code section 11377, in pertinent part, makes it unlawful
to possess any controlled substance in Schedule II, subdivision (d), without a prescription.

14. Health and Safety Code section 11550, in pertinent part, makes it unlawful
for any person to use or be under the influence of any controlled substance in Schedule II (Health
and Safety Code section 11055), subdivision (d)(1) or (d)(2), or any narcotic drug in Schedules
III-V, except when administered by or under the direction of an authorized licensee.

	.[]			
	1	15. Section 125.3 of the Code provides, in pertinent part, that the Board may		
	2	request the administrative law judge to direct a licentiate found to have committed a violation of		
	3	the licensing act to pay a sum not to exceed its reasonable costs of investigation and enforcement.		
	4	CONTROLLED SUBSTANCES / DANGEROUS DRUGS		
	5	16. Section 4021 of the Code states:		
6 "Controlled substance' means any substan		"Controlled substance' means any substance listed in Chapter 2 (commencing		
	7	with Section 11053) of Division 10 of the Health and Safety Code."		
	8	17. Section 4022 of the Code states, in pertinent part:		
	9	"Dangerous drug' or 'dangerous device' means any drug or device unsafe for		
	10	self-use, except veterinary drugs that are labeled as such, and includes the following:		
	11	"(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing		
•	12	without prescription,' 'Rx only,' or words of similar import.		
	13	• • •		
	14	"(c) Any other drug or device that by federal or state law can be lawfully		
	15	dispensed only on prescription or furnished pursuant to Section 4006."		
	16	18. <b>Methamphetamine</b> is a Schedule II controlled substance as designated by		
	17	Health and Safety Code section 11055(d)(2) and a dangerous drug as designated by Business and		
	18	Professions Code section 4022. It is a stimulant drug.		
	19	FACTUAL BACKGROUND		
	20	19. On or about September 10, 2006, San Jose Police responded to a report of		
	21	suspicious activity, and encountered Respondent in an apparently intoxicated/drug-altered state.		
	22	A search of Respondent's person uncovered a baggie with a white crystal substance, confirmed		
	23	by testing as methamphetamine. A search of Respondent's vehicle uncovered a glass smoking		
	24	pipe with white powder residue, and a wild catfish. Respondent was unable to produce a fishing		
	25	license. Respondent was arrested on suspicion of violating Health and Safety Code sections		
	26	11377 (Possession of Controlled Substance), 11550 (Under Influence of Controlled Substance),		
	27	and 11364 (Possession of Drug Paraphernalia), Penal Code section 647(f) (Disorderly Conduct -		
	28	Public Intoxication), and Fish and Game Code section 2002 (Unlawful Possession of Animal).		
		4		

1	20. On or about July 20, 2007, Respondent was stopped while driving by the
2	California Highway Patrol after making a U-turn on a red light. After observing that Respondent
3	exhibited signs of intoxication, the officer(s) administered a field sobriety test and a breath test,
4	and blood sample(s) were taken from Respondent. Respondent was then placed under arrest and
5	issued a misdemeanor Citation/Notice to Appear on suspicion of violating Vehicle Code sections
6	23152(a) (Driving While Under the Influence of Alcohol/Drugs) and 23152(b) (Driving With a
7	Blood Alcohol Content In Excess of 0.08%). He was taken into custody.
8	
9	FIRST CAUSE FOR DISCIPLINE
10	(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)
11	21. Respondent is subject to discipline under section 4301(f) of the Code in
12	that Respondent, as described in paragraphs 19-20 above, committed acts involving moral
13	turpitude, dishonesty, fraud, deceit, or corruption.
14	SECOND CAUSE FOR DISCIPLINE
15	(Self-Administration of Controlled Substance and/or Alcohol)
16	22. Respondent is subject to discipline under section 4301(h) of the Code, in
17	that Respondent, as described in paragraphs 19-20 above, administered a controlled substance to
18	himself and/or used alcoholic beverages in a dangerous or injurious manner.
19	THIRD CAUSE FOR DISCIPLINE
20	(Conviction of Substantially Related Crime(s))
21	23. Respondent is subject to discipline under section 4301(l) and/or section
22	490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the
23	conviction of substantially related crimes, in that on or about June 19, 2008, in People v. Rihaad
24	Ali, Case No. CC646332 in Santa Clara County Superior Court, based on the conduct described
25	in paragraph 19 above, Respondent was convicted of violating Health and Safety Code sections
26	11377 (Possession of Controlled Substance - methamphetamine), 11550 (Under Influence of
27	Controlled Substance - methamphetamine), and 11364 (Possession of Drug Paraphernalia), all
28	misdemeanors. Imposition of sentence was suspended - formal probation for two (2) years.
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. 1	FOURTH CAUSE FOR DISCIPLINE
2	(Possession of Controlled Substance)
3	24. Respondent is subject to discipline under section 4301(j) and/or (o) and/or
4	section 4060 of the Code, and/or Health and Safety Code section 11350, in that Respondent, as
5	described in paragraph 19 above, possessed, conspired to possess, and/or assisted in or abetted
6	possession of, a controlled substance, without a prescription.
7	FIFTH CAUSE FOR DISCIPLINE
. 8	(Self-Administration/Use of Controlled Substance)
. 9	25. Respondent is subject to discipline under section 4301(j) and/or (o) of the
10	Code, and/or Health and Safety Code section(s) 11170 and/or 11550, in that Respondent, as
11	described in paragraph 19 above, self-administered/used, conspired to self-administer/use, and/or
12	assisted in/abetted self-administration/use, of a controlled substance, without prescription.
13	SIXTH CAUSE FOR DISCIPLINE
14	(Conviction of Substantially Related Crime(s))
15	26. Respondent is subject to discipline under section 4301(1) and/or section
16	490 of the Code, by reference to California Code of Regulations, title 16, section 1770, for the
17	conviction of substantially related crimes, in that on/about March 12, 2008, in People v. Rihaad
18	Ali, Case No. FF722052 in Santa Clara County Superior Court, based on the conduct described in
19	paragraph 20 above, Respondent was convicted of violating Vehicle Code section 23152(b)
20	(Driving With a Blood Alcohol Content In Excess of 0.08%) and Health and Safety Code section
21	11550 (Under Influence of Controlled Substance - methamphetamine), both misdemeanors.
22	Imposition of sentence was suspended - court probation for three (3) years. Among the terms and
23	conditions of probation: ten (10) days in jail (1 day CTS); a First Offender Program of three (3)
. 24	months duration; registration under Health and Safety Code section 11590; and fines and fees.
25	SEVENTH CAUSE FOR DISCIPLINE
26	(Unprofessional Conduct)
27	27. Respondent is subject to discipline under section 4301 of the Code in that
28	Respondent, as described in paragraphs 19-26 above, engaged in unprofessional conduct.
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## DISCIPLINE CONSIDERATIONS

2	28. To determine the appropriate degree of discipline, if any, to be imposed on
3	Respondent, Complainant also alleges that on or about November 16, 1998, in a criminal case
4	titled People v. Rihaad Ashik Ali, Case No. C9807132 in Santa Clara County Judicial District
5	Municipal Court, Respondent was convicted of violating Penal Code section 417(a)(1) (Display
6	or Exhibit of Deadly Weapon), a misdemeanor. Imposition of sentence was suspended - court
7	probation for two (2) years, on terms and conditions including payment of fines and court fees.
8	29. To determine the appropriate degree of discipline, if any, to be imposed on
9	Respondent, Complainant further alleges that on or about September 8, 2003, in a criminal case
10	titled People v. Rihaad Ashik Ali, Case No. CC268734 in Santa Clara County Superior Court,
11	Respondent was convicted of violating Vehicle Code section 20002(a) (Hit and Run Driving
12	Causing Property Damage), a misdemeanor. Imposition of sentence was suspended - court
13	probation for one (1) year, on terms and conditions including payment of fines and court fees.
14	PRAYER
15	WHEREFORE, Complainant requests that a hearing be held on the matters herein
16	alleged, and that following the hearing, the Board of Pharmacy issue a decision:
17	A. Revoking or suspending Pharmacy Technician License No. TCH 38102,
18	issued to Rihaad Ali (Respondent),
19	B. Ordering Respondent to pay the Board reasonable costs of investigation
20	and enforcement of this case, pursuant to Business and Professions Code section 125.3;
21	C. Taking such other and further action as is deemed necessary and proper.
22	DATED: 8/20/09
23	
24	then he was
25	Executive Officer Board of Pharmacy
26	Department of Consumer Affairs State of California
27	Complainant
28	SF2008201012 40358330.wpd

Exhibit B Notice of Defense, Notice of Hearing (with service documents)

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

In the Matter of the Accusation Against:

RIHAAD ALI

Case No. 3221

NOTICE OF DEFENSE

Respondent.

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Accusation; 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 Accusation.

DATED: <u>4-27-09</u> Respondent's Name	RIHAAD ASHOK ALL
Respondent's Signature	Mich Warado (wife)
Respondent's Mailing Address	843 Viceroy Way
City, State and Zip Code	San Jose CA 195133
Respondent's Telephone Number	408-251-8079-408-506-3997

#### Check appropriate box:

□ I do not consent to electronic reporting.

The hearing in this case will be electronically reported/recorded, unless you check the above-left box to indicate that you do not consent to electronic recording, in which case the hearing will be reported by a stenographic reporter. If you do not check this box, you may withdraw your consent to electronic recording at any point up to fifteen (15) calendar days prior to the date set for hearing, by a written statement served on the Office of Administrative Hearings and on counsel for Complainant. If the box is not checked, and no written withdrawal of consent is served on the Office of Administrative Hearing and on counsel for Complainant by fifteen (15) calendar days prior to the hearing, you waive any right to stenographic reporting.

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 Accusation 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.

40327088.wpd SF2008201012

1	EDMUND G. BROWN JR. Attorney General of California		
2	FRANK H. PACOE Supervising Deputy Attorney General		
3	Joshua A. Room		
4	Deputy Attorney General State Bar No. 214663		
5	455 Golden Gate Avenue, Suite 11000 San Francisco, CA 94102-7004		
6	Telephone: (415) 703-1299 Facsimile: (415) 703-5480		
7	Attorneys for Complainant		
8	BOARD OF	RE THE PHARMACY	
9		ONSUMER AFFAIRS CALIFORNIA	
10	In the Matter of the Accusation Against:	Case No. 3221	
11	RIHAAD ALI	OAH No. 2009090537	
12	Respondent	NOTICE OF HEARING	
13	· · · · · · · · · · · · · · · · · · ·	[Gov. Code § 11509]	
14		Hearing: Tuesday, November 24, 2009	
15	· · · · · · · · · · · · · · · · · · ·		
16	YOU ARE HEREBY NOTIFIED that a he	aring in this matter will commence on <b>Tuesday</b> ,	
17	November 24, 2009 at 1:00 p.m. before an Adr	ninistrative Law Judge at	
18	Office of Administrative Hearings		
19	1515 Clay Street, Suite 206 Oakland, CA 94612.		
20			
Ż1	The hearing will be conducted before the Board of Pharmacy, Department of Consumer		
22	Affairs by an Administrative Law Judge of the Office of Administrative Hearings, upon the		
23	charges made in Accusation No. 3221 served upon you.		
24	If you object to the place of hearing, you must notify the presiding officer within ten (10)		
25	days after this notice is served on you. Failure to notify the presiding officer within ten (10) days		
25	will deprive you of a change in the place of hearing.		
20	You may be present at the hearing. You have the right to be represented by an attorney at		
27	your own expense. You are not entitled to the a	ppointment of an attorney to represent you at	
		1	

NOTICE OF HEARING (Case No. 3221; OAH No. 2009090537)

public expense. You are entitled to represent yourself without legal counsel. You may present any relevant evidence, and will be given full opportunity to cross-examine all witnesses testifying against you. You are entitled to the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents, or other things by applying to the Office of Administrative Hearings, 1515 Clay Street, Suite 206, Oakland, CA 94612, telephone: (510) 622-2722.

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. 7 INTERPRETER: Pursuant to section 11435.20 of the Government Code, the hearing shall be conducted in the English language. If a party or a party's witness does not proficiently speak 8 or understand the English language and before commencement of the hearing requests language 9 assistance, an agency subject to the language assistance requirement in section 11435.15 of the 10 Government Code shall provide a certified interpreter or an interpreter approved by the 11 administrative law judge conducting the proceedings. The cost of providing the interpreter shall 12 be paid by the agency having jurisdiction over the matter if the administrative law judge or 13 hearing officer so directs, otherwise by the party for whom the interpreter is provided. If you or a 14 witness require the assistance of an interpreter, ample advance notice of this fact should be given 15 to the Office of Administrative Hearings so that appropriate arrangements can be made. 16

CONTINUANCES: Under section 11524 of the Government Code, the agency may grant a 17 continuance, but when an administrative law judge of the Office of Administrative Hearings has 18 been assigned to the hearing, no continuance may be granted except by him or her or by the 19 presiding Administrative Law Judge for good cause. When seeking a continuance, a party shall 20 apply for the continuance within ten (10) working days following the time the party discovered or 21 reasonably should have discovered the event or occurrence which establishes good cause for the 22 continuance. A continuance may be granted for good cause after the ten (10) working days have 23 lapsed only if the party seeking the continuance is not responsible for and has made a good faith 24 effort to prevent the condition or event establishing the good cause. 25

Continuances are not favored. If you need a continuance, <u>immediately</u> write or call the
Office of Administrative Hearings: 1515 Clay Street, Suite 206, Oakland, CA 94612 telephone:
(510) 622-2722.



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

Case Name: In The Matter Of The Accusation Against: RIHAAD ALI

Case No.: 3221

OAH Case No.:

2009090537

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 September 18, 2009, I served the attached NOTICE OF HEARING by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the NOTICE OF HEARING was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Rihaad Ali 843 Viceroy Way San Jose, CA 95133 Certified Afficie Number 7160 3901 9848 3691 5268 SENDERSIRECORD

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on September 18, 2009, at San Francisco, California.

Wallace Greene

Walloce

Declarant

Signature

SF2008201012 Document in ProLaw S. SERVICE TYPE CENTIFIED WAIL

 4. Restricted Delivery? (Extra Fee)
 Yes.

 1. Article Addressed to:

Rihaad Ali 843 Viceroy Way San Jose California 95133

> NOTICE OF HEARIN 03583110SF2008201( Joshua A. Room

PS Form 3811, January 2005

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**Domestic Return Receipt** 

## 7160 3901 9848 3691 5268

TO: \_ .

Rihaad Ali 843 Viceroy Way San Jose California 95133

SENDER: Joshua A. Room

**REFERENCE:** 03583110SF2008201012

PS Form 38	00, January 2005	
RETURN	Postage	
RECEIPT	Certified Fee	
SERVICE	Return Receipt Fee	
	Restricted Delivery	· ·
	Total Postage & Fees	

US Postal Service

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