

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

In the Matter of the Accusation Against:

Case No. 3324

FARIBA DADKHO

2604 Gates Avenue, Unit 4
Redondo Beach, CA 90278

Original Pharmacist License No. RPH 50036

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 June 23, 2010.

It is so ORDERED on May 24, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Kenneth H. Schell

KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Petition to Revoke
11 Probation Against:

Case No. 3324

12 **FARIBA DADKHO**
2604 Gates Avenue, Unit 4
13 Redondo Beach, CA 90278

OAH No. L-2009100789

14 **Pharmacist License No. RPH 50036**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

15 Respondent.

16
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
18 proceeding that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
21 (Board), Department of Consumer Affairs, State of California. She brought this action solely in
22 her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General
23 of the State of California, by Linda L. Sun, Deputy Attorney General.

24 2. Fariba Dadkho (Respondent) is representing herself in this proceeding and has chosen
25 not to exercise her right to be represented by counsel.

26 3. On or about April 1, 1998, the Board issued Pharmacist License No. RPH 50036 to
27 Fariba Dadkho (Respondent). The license expired on June 30, 2009, and has not been renewed.

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

JURISDICTION

4. Petition to Revoke Probation No. 3324 was filed before the Board and is currently pending against Respondent. The Petition to Revoke Probation and all other statutorily required documents were properly served on Respondent on August 17, 2009. Respondent filed her Notice of Defense on October 8, 2009 contesting the Petition to Revoke Probation. A copy of Petition to Revoke Probation No. 3324 is attached as Exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Petition to Revoke Probation No. 3324. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Petition to Revoke Probation; the right to be represented by counsel, at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent admits the truth of the following charges and allegations in Petition to Revoke Probation No. 3324, agrees that cause exists for discipline and hereby surrenders her Pharmacist License No. RPH 50036 for the Board's formal acceptance:

///
///
///
///

1 **FIRST CAUSE TO REVOKE PROBATION**

2 **(Failure to File Quarterly Reports)**

3 A. At all times after the effective date of Respondent's probation, Condition 2 stated:

4 **"Reporting to the Board.** Respondent shall report to the Board quarterly.
5 The report shall be made either in person or in writing, as directed.
6 Respondent shall state under penalty of perjury whether there has been
7 compliance with all the terms and conditions of probation. If the final
8 probation report is not made as directed, probation shall be extended
9 automatically until such time as the final report is made and accepted by
10 the Board."

11 B. Respondent's probation is subject to revocation under Code section 4300, subdivision
12 (d), because she failed to comply with Probation Condition 2, referenced above. The
13 facts and circumstances regarding this violation are as follows:

14 i. Respondent failed to submit any quarterly reports.

15 **SECOND CAUSE TO REVOKE PROBATION**

16 **(Failure to Notify Change in Mailing Address)**

17 C. At all times after the effective date of Respondent's probation, Condition 12 stated:

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

24 D. Respondent's probation is subject to revocation under Code section 4300, subdivision
25 (d), because she failed to comply with Probation Condition 12, referenced above. The facts and
26 circumstances regarding this violation are as follows:

27 i. Respondent failed to notify the Board of her change in mailing address within
28 10 days. On or about September 2, 2009, the pleading packages mailed to Respondent at her then
address of record with the Board, 1220 Elm Street, Venice, CA 90291, which contained Petition
to Revoke Probation Case No. 3324 and related documents were returned by the U.S. Post Office
as "Not Deliverable As Addressed, Unable to Forward, Moved/Left, No Address."

1 THIRD CAUSE TO REVOKE PROBATION

2 (Failure to Participate in Rehabilitation Program - PRP)

3 E. At all times after the effective date of Respondent's probation, Condition 16 stated:

4 **“Rehabilitation Program – Pharmacists Recovery Program (PRP).**

5 Within 30 days of the effective date of this decision, Respondent shall
6 contact the PRP, and complete two independent assessments. Should both
7 assessments determine respondent is not appropriate for participation in the
8 PRP, this term shall be deemed satisfied. The costs for the assessments
9 shall be borne by the Respondent.

10 Should at least one assessment determine Respondent is appropriate for the
11 PRP, Respondent shall participate in and complete the treatment contract
12 and any subsequent addendums as recommended and provided by PRO and
13 as approved by the board or its designee. The costs for PRP participation
14 shall be borne by Respondent.

15 If Respondent is currently enrolled in the PRP, said participation is now
16 mandatory and is no longer considered a self-referral under Business and
17 Professions Code section 4363, as of the effective date of this decision.
18 Respondent shall successfully participate in and complete her current
19 contract and any subsequent addendums with the PRP. Probation shall be
20 automatically extended until Respondent successfully completes her
21 treatment contract. Any person terminated from the program shall be
22 automatically suspended upon notice by the Board. Respondent may not
23 resume the practice of pharmacy until notified by the Board in writing.
24 The Board shall retain jurisdiction to institute action to terminate probation
25 for any violation of this term.”

26 F. Respondent's probation is subject to revocation under Code section 4300, subdivision
27 (d), because she failed to comply with Probation Condition 16, referenced above. The facts and
28 circumstances regarding this violation are as follows:

- 29 i. On or about November 21, 2008, during a monthly Compliance Monitor review of
30 Respondent's file at the Board's PRP, MAXIMUS, the clinical case manager
31 noticed irregularities in Respondent's 12-Step sign-in sheets. Respondent
32 admitted that she had a friend sign the sheets for her.
- 33 ii. MAXIMUS recommended Respondent to attend a 3-day clinical evaluation and
34 follow up with any program recommendations made by the counselors at Hazeldon
35 Springbook. From December 1, 2008 to December 3, 2008, Respondent attended

1 the evaluation at Hazeldon Springbrook. Pursuant to the evaluation, the counselor
2 at Hazeldon Springbrook recommended a minimum 28-day inpatient treatment
3 program, based on Respondent's lack of understanding of the recovery process.

4 iii. On or about December 15, 2008, Respondent notified her clinical case manager
5 that she had decided not to enter the inpatient treatment program as recommended
6 by Hazeldon Springbrook.

7 iv. On or about December 15, 2008, MAXIMUS terminated Respondent from the
8 program as a "Public Risk."

9 v. On or about December 30, 2008, the Board notified Respondent of her immediate
10 suspension from practice.

11 **FIFTH CAUSE TO REVOKE PROBATION**

12 **(Failure to Perform Community Service)**

13 G. At all times after the effective date of Respondent's probation, Condition 19 stated:

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

20 H. Respondent's probation is subject to revocation under Code section 4300, subdivision
21 (d), because she failed to comply with Probation Condition 19, referenced above. The facts and
22 circumstances regarding this violation are as follows:

23 i. Respondent failed to submit to the Board for its approval a community service
24 program.

25 9. Respondent denies the remaining allegations in Petition to Revoke Probation No.
26 3324.

27 10. Respondent understands that by signing this stipulation she enables the Board to issue
28 an order accepting the surrender of her Pharmacist License without further process.

///

///

CONTINGENCY

1
2 11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
3 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may
4 communicate directly with the Board regarding this stipulation and surrender, without notice to or
5 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
6 she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board
7 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
8 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
9 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
10 be disqualified from further action by having considered this matter.

11 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of
12 License and Order, including facsimile signatures thereto, shall have the same force and effect as
13 the originals.

14 13. This Stipulated Surrender of License and Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

20 14. In consideration of the foregoing admissions and stipulations, the parties agree that
21 the (Board) may, without further notice or formal proceeding, issue and enter the following
22 Order:

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///

ORDER

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

IT IS HEREBY ORDERED that Pharmacist License No. RPH 50036, issued to Respondent Fariba Dadkho is surrendered and accepted by the Board of Pharmacy.

15. The surrender of Respondent's Pharmacist License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

16. Respondent shall lose all rights and privileges as a pharmacist in California as of the effective date of the Board's Decision and Order.

17. Respondent shall cause to be delivered to the Board both her wall certificate and, if one was issued, pocket license on or before the effective date of the Decision and Order.

18. Respondent fully understands and agrees that if she ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Petition to Revoke Probation No. 3324 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application or petition.

19. Upon issuance of a new license, Respondent shall pay to the Board the outstanding costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 of Case No. 2997 in the amount of three thousand two hundred and fifty dollars (\$3,250.) Respondent shall be permitted to pay these costs in a payment plan approved by the Board.

20. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board's Decision and Order.

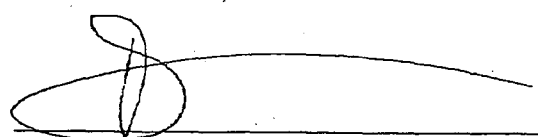
///
///
///

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

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 3/3/2010



FARIBA DADKHO
Respondent

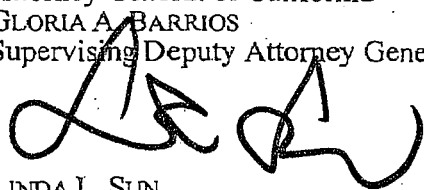
ENDORSEMENT

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

Dated: March 3, 2010

Respectfully submitted,

EDMUND G. BROWN JR.
Attorney General of California
GLORIA A. BARRIOS
Supervising Deputy Attorney General



LINDA L. SUN
Deputy Attorney General
Attorneys for Complainant

LA2009602917
50594295.doc

Exhibit A

Petition to Revoke Probation No. 3324

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 3324

12 **FARIBA DADKHO**
1220 Elm Street
13 Venice, CA 90291
14 **Pharmacist License No. RPH 50036**

PETITION TO REVOKE PROBATION

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about April 1, 1998, the Board issued Pharmacist License Number RPH 50036
23 to Fariba Dadkho (Respondent). The Pharmacist License has been suspended since December 30,
24 2008 and will expire on June 30, 2009, unless renewed.

25 **PRIOR DISCIPLINE**

26 3. In a disciplinary action entitled "*In the Matter of Accusation Against Fariba*
27 *Dadkho*," Case No. 2997, the Board issued a decision, effective October 5, 2007, in which
28 Respondent's Pharmacist License was revoked. However, the revocation was stayed and

1 Respondent's license was placed on probation for a period of five (5) years with certain terms and
2 conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

3 **JURISDICTION**

4 4. Business and Professions Code (Code) section 4300, subdivision (a) provides:

5 "Every license issued may be suspended or revoked."

6 5. Code section 4300, subdivision (d) provides:

7 "The board may initiate disciplinary proceedings to revoke or suspend any
8 probationary certificate of licensure for any violation of the terms and conditions of probation.

9 Upon satisfactory completion or probation, the board shall convert the probationary certificate to
10 a regular certificate, free of conditions."

11 **FIRST CAUSE TO REVOKE PROBATION**

12 **(Failure to File Quarterly Reports)**

13 6. At all times after the effective date of Respondent's probation, Condition 2 stated:

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

21 7. Respondent's probation is subject to revocation under Code section 4300, subdivision
22 (d), because she failed to comply with Probation Condition 2, referenced above. The facts and
23 circumstances regarding this violation are as follows:

24 A. Respondent failed to submit any quarterly reports.

25 ///

26 ///

27 ///

28 ///

///

1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Notify Change in Employment)**

3 8. At all times after the effective date of Respondent's probation, Condition 12 stated:

4 **"Notification of Employment/Mailing Address Change.** Respondent
5 shall notify the Board in writing within 10 days of any change of
6 employment. Said notification shall include the reasons for leaving and/or
7 the address of the new employer, supervisor or owner and work schedule if
8 known. Respondent shall notify the Board in writing within 10 days of a
9 change in name, mailing address or phone number."

10 9. Respondent's probation is subject to revocation under Code section 4300, subdivision
11 (d), because she failed to comply with Probation Condition 12, referenced above. The facts and
12 circumstances regarding this violation are as follows:

13 A. On or about November 30, 2008, Respondent left her place of employment as a
14 pharmacist at Century Discount Pharmacy. Respondent failed to notify the Board of her change
15 in employment within 10 days.

16 **THIRD CAUSE TO REVOKE PROBATION**

17 **(Failure to Participate in Rehabilitation Program - PRP)**

18 10. At all times after the effective date of Respondent's probation, Condition 16 stated:

19 **"Rehabilitation Program – Pharmacists Recovery Program (PRP).**

20 Within 30 days of the effective date of this decision, Respondent shall
21 contact the PRP, and complete two independent assessments. Should both
22 assessments determine respondent is not appropriate for participation in the
23 PRP, this term shall be deemed satisfied. The costs for the assessments
24 shall be borne by the Respondent.

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

If Respondent is currently enrolled in the PRP, said participation is now
mandatory and is no longer considered a self-referral under Business and
Professions Code section 4363, as of the effective date of this decision.
Respondent shall successfully participate in and complete her current
contract and any subsequent addendums with the PRP. Probation shall be

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

5 11. Respondent’s probation is subject to revocation under Code section 4300, subdivision
6 (d), because she failed to comply with Probation Condition 16, referenced above. The facts and
7 circumstances regarding this violation are as follows:

- 8 A. On or about November 21, 2008, during a monthly Compliance Monitor review of
9 Respondent’s file at the Board’s PRP, MAXIMUS, the clinical case manager
10 noticed irregularities in Respondent’s 12-Step sign-in sheets. Respondent
11 admitted that she had a friend sign the sheets for her.
- 12 B. Respondent failed to practice under the supervision of her worksite monitor as
13 required.
- 14 C. MAXIMUS recommended Respondent to attend a 3-day clinical evaluation and
15 follow up with any program recommendations made by the counselors at Hazeldon
16 Springbrook. From December 1, 2008 to December 3, 2008, Respondent attended
17 the evaluation at Hazeldon Springbrook, but failed to contact MAXIMUS upon
18 discharge or attend a mandated Health Service Group meeting the following day
19 on December 4, 2008.
- 20 D. The counselor at Hazeldon Springbrook recommended a minimum 28-day
21 inpatient treatment program, based on Respondent’s lack of understanding of the
22 recovery process.
- 23 E. While at Hazeldon Springbrook, Respondent tested positive for cocaine
24 metabolites. Respondent’s son stated to the Hazeldon counselor that he observed
25 Respondent drink wine on occasions.
- 26 F. On or about December 15, 2008, Respondent notified her clinical case manager
27 that she had decided not to enter the inpatient treatment program as recommended
28 by Hazeldon Springbrook.

1 G. On or about December 15, 2008, MAXIMUS terminated Respondent from the
2 program as a "Public Risk."

3 H. On or about December 30, 2008, the Board notified Respondent of her immediate
4 suspension from practice.

5 **FOURTH CAUSE TO REVOKE PROBATION**

6 **(Failure to Abstain from Drugs and Alcohol)**

7 12. At all times after the effective date of Respondent's probation, Condition 18 stated:

8 **"Abstain from Drugs and Alcohol Use.** If Respondent is determined to
9 be in need of participating in the PRP, Respondent shall completely abstain
10 from the possession or use of alcohol, controlled substances, dangerous
11 drugs and their associated paraphernalia except when the drugs are lawfully
12 prescribed by a licensed practitioner as part of a documented medical
13 treatment. Upon request of the Board, Respondent shall provide
14 documentation from the licensed practitioner that the prescription was
15 legitimately issued and is a necessary part of the treatment of the
16 Respondent."

17 13. Respondent's probation is subject to revocation under Code section 4300, subdivision
18 (d), because she failed to comply with Probation Condition 18, referenced above. The facts and
19 circumstances regarding this violation are as follows:

- 20 A. From about December 1, 2008 to December 3, 2008, Respondent enrolled at a 3-day
21 clinical evaluation at Hazeldon Springbrook as recommended by MAXIMUS.
22 B. While at Hazeldon Springbrook, Respondent tested positive for cocaine metabolites.
23 C. Respondent's son stated to the Hazeldon counselor that he observed Respondent drink
24 wine on occasions.

25 **FIFTH CAUSE TO REVOKE PROBATION**

26 **(Failure to Perform Community Service)**

27 14. At all times after the effective date of Respondent's probation, Condition 19 stated:

28 **"Community Services Program.** Within 60 days of the effective date of
this decision, Respondent shall submit to the Board, for its prior approval, a
community service program in which Respondent shall provide free health-
care related services on a regular basis to a community or charitable facility

1 or agency for at least 100 hours to be completed within the first 36 months
2 of probation.”

3 15. Respondent's probation is subject to revocation under Code section 4300, subdivision
4 (d), because she failed to comply with Probation Condition 19, referenced above. The facts and
5 circumstances regarding this violation are as follows:

6 A. Respondent failed to submit to the Board for its approval a community service
7 program.

8 PRAYER

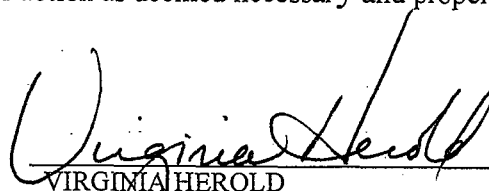
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2997
12 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No.
13 RPH 50036 issued to Fariba Dadkho;

14 2. Revoking or suspending Pharmacist License No. RPH 50036, issued to Fariba
15 Dadkho;

16 3. Taking such other and further action as deemed necessary and proper.

17
18 DATED: 8/17/09


19 VIRGINIA HEROLD
20 Executive Officer
21 Board of Pharmacy
22 Department of Consumer Affairs
23 State of California
24 Complainant

25
26
27
28
LA2009602917
60419635.doc

Exhibit A

Decision and Order

Board of Pharmacy Case No. 3324

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

OA# 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
WILLIAM POWERS
Board President

STATE OF CALIFORNIA
I, VIRGINIA HEROLD, OFFICIAL CUSTODIAN
OF THE RECORDS, DO HEREBY CERTIFY THAT
THIS/THESE DOCUMENTS IS/ARE TRUE AND
CORRECT COPY/COPIES OF THE ORIGINAL(S)
OF THE FILE IN THIS OFFICE.

DATED: 3/5/09

Virginia Herold
VIRGINIA HEROLD
Executive Officer
California State Board of Pharmacy

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
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804

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
13 P.O. Box 5206
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 3. On or about April 1, 1998, the Board of Pharmacy issued Pharmacist
2 License No. RPH 50036 to Fariba Dadkho (Respondent). The License was in full force and
3 effect at all times relevant to the charges brought in Accusation No. 2997 and will expire on June
4 30, 2009, unless renewed.

5 JURISDICTION

6 4. Accusation No. 2997 was filed before the Board of Pharmacy (Board) ,
7 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
8 and all other statutorily required documents were properly served on Respondent on April 5,
9 2007. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
10 Accusation No. 2997 is attached as exhibit A and incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 5. Respondent has carefully read, discussed with counsel, and fully
13 understands the charges and allegations in Accusation No. 2997. Respondent has also carefully
14 read, discussed with counsel, and fully understands the effects of this Stipulated Settlement and
15 Disciplinary Order.

16 6. Respondent is fully aware of her legal rights in this matter, including the
17 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
18 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
19 the right to present evidence and to testify on her own behalf; the right to the issuance of
20 subpoenas to compel the attendance of witnesses and the production of documents; the right to
21 reconsideration and court review of an adverse decision; and all other rights accorded by the
22 California Administrative Procedure Act and other applicable laws.

23 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
24 each and every right set forth above.

25 CULPABILITY

26 8. Respondent admits the truth of each and every charge and allegation in
27 Accusation No. 2997.

28 9. Respondent agrees that her Pharmacist License is subject to discipline and "

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 20. No Ownership of Premises. Respondent shall not own, have any legal
2 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
3 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter
4 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
5 entity licensed by the Board within 90 days following the effective date of this decision and
6 shall immediately thereafter provide written proof thereof to the Board.

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

14 ACCEPTANCE

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

20
21 DATED: _____

22
23 _____
24 FARIBA DADKHO (Respondent)
25 Respondent

26 I have read and fully discussed with Respondent Fariba Dadkho the terms and
27 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
28 Order. I approve its form and content.

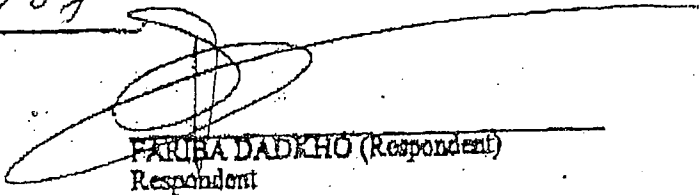
1 provide written proof thereof to the Board.

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

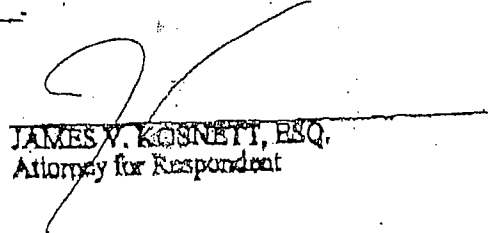
10 I have carefully read the above Stipulated Settlement and Disciplinary Order and
11 have fully discussed it with my attorney, James V. Kosnett, Esq. I understand the stipulation and
12 the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
13 Disciplinary Order 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 
19 FARIBA DADKHO (Respondent)
Respondent

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

24 DATED: 7-25-07

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

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

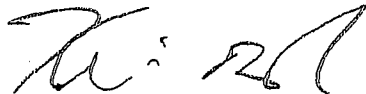
ENDORSEMENT

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: 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
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804

7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2997

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

A C C U S A T I O N

14 Pharmacist License No. RPH 50036

15 Respondent.

16
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.

1 15. Tylenol #3, a brand name for 500 mg. acetaminophen with codeine 30
2 mg., is a Schedule III controlled substance as designated by Health and Safety Code section
3 11056(e)(2) and is categorized as a dangerous drug pursuant to Business and Professions Code
4 section 4022.

5 FIRST CAUSE FOR DISCIPLINE

6 (Conviction of Substantially Related Crime and Act Involving Moral Turpitude)

7 16. Respondent is subject to disciplinary action under Business and
8 Professions Code Sections 4300, 4301, subdivisions (f), (j), and 490, as defined in California
9 Code of Regulations, title 16, section 1770, on the grounds of unprofessional conduct, in that on
10 or about March 22, 2006, in a criminal proceeding entitled *The People of the State of California*
11 *v. Fariba Dadkho* in Los Angeles County Superior Court, Citrus District, West Covina, Case No.
12 6JB02461-01, Respondent was convicted on a plea of *nolo contendere* for violating Penal Code
13 section 484(a) [theft], a misdemeanor.

14 17. The circumstances of the conviction are that on or about February 18,
15 2006, Covina Police Department responded to a call from Sav-On Drugs Pharmacy (Save-On)
16 located in Covina, California, Respondent's employer. Sav-On security personnel observed, via
17 video cameras, Respondent taking various items from store shelves, concealing the property, and
18 leaving the store without an attempt to pay for the items. Respondent was arrested, and admitted
19 to stealing the following items from Sav-On:

20	<u>Items</u>	<u>Quantity</u>	<u>Value</u>
21	Morphine Sulfate	60 ml	\$33.38
22	Lunesta	29 tablets	125.99
23	Tylenol #3	50 tablets	38.99
24	Tri Medica Grobust	1	14.99
25	Oil of Olay Vitamins	1 bottle	14.99
26	Lip Explosion	1	24.99
27	Modele Lip treatment	1	29.99

28 //

