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

In the Matter of the Accusation Against:

Case No. 3659

**HOSSEIN H. SHIRAZI AKA SEYED H.
SHIRAZI
24000 Gilmore Street
West Hills, CA 91307
Pharmacy Technician License No. TCH
55499 (suspended 8/24/2011 per BP 4311)**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

----- Respondent. -----

FINDINGS OF FACT

1. On or about May 25, 2012, Complainant Virginia K. Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3659 against Hossein H. Shirazi aka Seyed H. Shirazi (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

1 2. On or about March 10, 2004, the Board of Pharmacy (Board) issued Pharmacy
2 Technician License No. TCH 55499 (suspended 8/24/2011 per BP 4311) to Respondent. The
3 Pharmacy Technician License was in full force and effect at all times relevant to the charges
4 brought in Accusation No. 3659 and expired on January 31, 2012. This lapse in licensure,
5 however, pursuant to Business and Professions Code section 118(b) and/or agency-specific
6 statute does not deprive the Board of its authority to institute or continue this disciplinary
7 proceeding.

8 3. On or about August 24, 2011, Respondent's license was automatically suspended
9 pursuant to Business and Professions Code section 4311, subdivision (a) due to Respondent's
10 incarceration on September 8, 2010. Respondent was served with the Notice Of Automatic
11 Suspension on August 4, 2011.

12 4. On or about June 7, 2012, Respondent was served by Certified and First Class Mail
13 copies of the Accusation No. 3659, Statement to Respondent, Notice of Defense, Request for
14 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
15 Respondent's address of record which, pursuant to Business and Professions Code section 4100,
16 is required to be reported and maintained with the Board. Respondent's address of record was
17 and is:

18 24000 Gilmore Street
19 West Hills, CA 91307.

20 5. Service of the Accusation was effective as a matter of law under the provisions of
21 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
22 124.

23 6. On or about July 5, 2012, Respondent requested, through his attorney Stella Zarvand,
24 an additional 30 days to respond to the Accusation. To date, a Notice of Defense has not been
25 received.

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

27 (c) The respondent shall be entitled to a hearing on the merits if the respondent
28 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

1 may nevertheless grant a hearing.

2 8. Respondent failed to file a Notice of Defense within the time allotted to him after
3 service upon him of the Accusation, and therefore waived his right to a hearing on the merits of
4 Accusation No. 3659.

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

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

10 10. Pursuant to its authority under Government Code section 11520, the Board finds
11 Respondent is in default. The Board will take action without further hearing and, based on the
12 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
13 taking official notice of all the investigatory reports, exhibits and statements contained therein on
14 file at the Board's offices regarding the allegations contained in Accusation No. 3659, finds that
15 the charges and allegations in Accusation No. 3659, are separately and severally, found to be true
16 and correct by clear and convincing evidence.

17 11. Taking official notice of its own internal records, pursuant to Business and
18 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
19 and Enforcement is \$4927.50 as of November 8, 2012.

20 DETERMINATION OF ISSUES

21 1. Based on the foregoing findings of fact, Respondent Hossein H. Shirazi aka Seyed H.
22 Shirazi has subjected his Pharmacy Technician License No. TCH 55499 (suspended 8/24/2011
23 per BP 4311) to discipline.

24 2. The agency has jurisdiction to adjudicate this case by default.

25 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
26 License based upon the following violations alleged in the Accusation which are supported by the
27 evidence contained in the Default Decision Evidence Packet in this case:

28 a. Respondent is subject to disciplinary action under Business and Professions
Code sections 490, 4300 and 4301, subdivision (l), in conjunction with California Code of

1 regulations, title 16, section 1770, in that Respondent was convicted of crimes substantially
2 related to the qualifications, functions or duties of a licensee.

3 b. Respondent is subject to disciplinary action under Business and Professions
4 Code sections 4300 and 4301 subdivision (f), in that on or about August 27, 2007, and on or
5 about April 13, 2008, Respondent committed acts involving moral turpitude, dishonesty, fraud,
6 deceit, or corruption.

7
8 ORDER

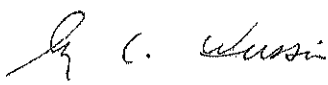
9 IT IS SO ORDERED that Pharmacy Technician License No. TCH 55499 (suspended
10 8/24/2011 per BP 4311), heretofore issued to Respondent Hossein H. Shirazi aka Seyed H.
11 Shirazi, is revoked.

12 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
13 written motion requesting that the Decision be vacated and stating the grounds relied on within
14 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
15 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

16 This Decision shall become effective on January 11, 2013.

17 It is so ORDERED ON December 12, 2012.

18 BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

20
21 
22 By _____
23 STANLEY C. WEISSER
24 Board President

25 51189660.DOC
26 DOJ Matter ID:LA2011601101

27 Attachment:
28 Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC S. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2520
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 3659

12 **HOSSEIN H. SHIRAZI AKA SEYED H.**
13 **SHIRAZI**

24000 Gilmore Street
West Hills, CA 91307

ACCUSATION

14 Pharmacy Technician License No. TCH 55499

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 10, 2004, the Board issued Pharmacy Technician License No.
22 TCH 55499 (suspended 8/24/2011 per BP 4311) to Hossein H. Shirazi aka Seyed H. Shirazi
23 (Respondent). On or about August 24, 2011, the Board automatically suspended License No.
24 TCH 55499, pursuant to Business and Professions Code section 4311. The Pharmacy Technician
25 License expired on January 31, 2012.

26 **JURISDICTION**

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

1 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or
2 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning
3 of this provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting probation is made
5 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of
6 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not
7 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
8 indictment. . . ."

9 8. Section 4311 states, in pertinent part:

10 "(a) Any license issued by the board, or the holder thereof, shall be suspended
11 automatically during any time that the person is incarcerated after conviction of a felony,
12 regardless of whether the conviction has been appealed. The board, immediately upon receipt of
13 a certified copy of a record of a criminal conviction, shall determine whether the person has been
14 automatically suspended by virtue of incarceration pursuant to a felony conviction and, if so, the
15 duration of that suspension. The board shall notify the person so suspended of the suspension and
16 that the person has a right to request a hearing, solely as to whether he or she is incarcerated
17 pursuant to a felony conviction, in writing at that person's address of record with the board and at
18 the facility in which the person is incarcerated.

19
20 "(c) In addition to any suspension under subdivision (a), the board shall also suspend any
21 license issued by the board, or the holder thereof, if the board determines that the felony
22 conviction of the holder of the license is substantially related to the qualifications, functions, or
23 duties of the licensee.

24
25 "(4) A conviction of any crime referred to in Section 4301, or for violation of Section 187,
26 261, or 288 of the Penal Code, shall be conclusively presumed to be substantially related to the
27 qualifications, functions, or duties of a licensee of the board. Upon its own motion or for good
28 cause shown the board may decline to impose a suspension under this subdivision or may set

1 aside a suspension previously imposed when it appears to be in the interest of justice to do so,
2 with due regard to maintaining the integrity of and confidence in the practice of pharmacy and the
3 handling of dangerous drugs and devices.

4

5 “(g) The board may delegate the authority to issue a suspension under subdivision (a)
6 or (b) or a notice of suspension under subdivision (c) to the executive officer of the board.”

7 **REGULATORY PROVISION**

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

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

15 **COST RECOVERY**

16 10. Section 125.3 provides that the Board may request the administrative law judge to
17 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
18 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Conviction of a Substantially Related Crime)**

21 11. Respondent is subject to disciplinary action under sections 490, 4300 and 4301,
22 subdivision (l), in conjunction with California Code of regulations, title 16, section 1770, in that
23 Respondent was convicted crimes substantially related to the qualifications, functions or duties of
24 a licensee, as follows:

25 a. On or about August 24, 2010, after pleading guilty, Respondent was convicted of one
26 felony interlineated count of violating Penal Code section 192(a) [voluntary manslaughter] in the
27 criminal proceeding entitled *The People of the State of California v. Hossein Shirazi* (Super. Ct.
28 Los Angeles County, 2009, No. LA061939). The Court sentenced Respondent to 15 years in

1 prison. The circumstances underlying the conviction are that on or about April 13, 2008,
2 Respondent admitted that he shot his brother in the abdomen at their parent's home. After the
3 shooting, Respondent admitted that he drove his brother into the hills, placed him on the side of
4 the road and then left the area. Respondent's brother was never seen or heard from again, and no
5 remains were found.

6 b. On or about October 19, 2004, after pleading nolo contendere, Respondent was
7 convicted of one misdemeanor count of violating Penal Code section 242 [battery] in the criminal
8 proceeding entitled *The People of the State of California v. Hossein Shirazi* (Super. Ct. Los
9 Angeles County, 2004, No. 4PN05057). The Court placed Respondent on three (3) years
10 probation, and ordered him to complete 150 hours Community Service. The circumstances
11 underlying the conviction are that on or about August 27, 2007, during an escalating altercation
12 with his older brother, Respondent stabbed his brother twice with a knife.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Act Involving Moral Turpitude, Dishonest, Fraud, Deceit, or Corruption)**

15 12. Respondent is subject to disciplinary action under sections 4300 and 4301,
16 subdivision (f), in that on or about August 27, 2007, and on or about April 13, 2008, Respondent
17 committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. Complainant
18 refers to and by this reference incorporates the allegations set forth above in paragraph 11,
19 subparagraphs a and b, inclusive, as though set forth fully.

20 **PRAYER**

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

- 23 1. Revoking or suspending Pharmacy Technician License No. TCH 55499 issued to
24 Hossein H. Shirazi;
- 25 2. Ordering Hossein H. Shirazi to pay the Board the reasonable costs of the investigation
26 and enforcement of this case, pursuant to section 125.3; and

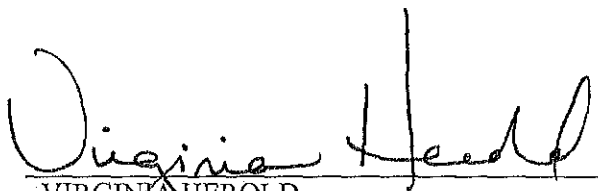
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3. Taking such other and further action as deemed necessary and proper.

DATED: 5/25/12



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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