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

In the Matter of the Accusation Against:

**FADI ZIAD KAMAL  
12517 Eucalyptus Avenue, #A  
Hawthorne, CA 90250  
Designated Representative Certificate No.  
EXC 17701**

Respondent.

Case No. 3819

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about April 27, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs, filed Accusation No. 3819 against Fadi Ziad Kamal (Respondent) before the Board. (Accusation attached as Exhibit A.)
2. On or about November 4, 2004, the Board issued Designated Representative Certificate No. EXC 17701 to Respondent. The Designated Representative Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2011, unless renewed.
3. On or about May 13, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3819, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Gov. Code, §§ 11507.5, 11507.6 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100,

1 is required to be reported and maintained with the Board, which was and is: 12517 Eucalyptus  
2 Avenue, #A, Hawthorne, CA 90250.

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

6 5. On or about May 13, 2011, the aforementioned documents were returned by the U.S.  
7 Postal Service marked "Not Deliverable as Addressed, Unable to Forward."

8 6. Government Code section 11506 states, in pertinent part:

9 "(c) The respondent shall be entitled to a hearing on the merits if the  
10 respondent files a notice of defense, and the notice shall be deemed a specific denial  
11 of all parts of the accusation not expressly admitted. Failure to file a notice of  
12 defense shall constitute a waiver of respondent's right to a hearing, but the agency in  
13 its discretion may nevertheless grant a hearing."

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon him  
15 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
16 3819.

17 8. California Government Code section 11520 states, in pertinent part:

18 "(a) If the respondent . . . fails to file a notice of defense . . . , the agency may  
19 take action based upon the respondent's express admissions or upon other evidence  
20 and affidavits may be used as evidence without any notice to respondent."

21 9. Pursuant to its authority under Government Code section 11520, the Board finds  
22 Respondent is in default. The Board will take action without further hearing and, based on the  
23 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
24 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
25 file at the Board's offices regarding the allegations contained in Accusation No. 3819, finds that  
26 the charges and allegations in Accusation No. 3819, are separately and severally, found to be true  
27 and correct by clear and convincing evidence.

28 10. Taking official notice of its own internal records, pursuant to Business and  
Professions Code section 125.3, it is hereby determined that the reasonable costs for Enforcement  
are \$5,875.00 as of May 18, 2011.

1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Fadi Ziad Kamal has subjected  
3 his Designated Representative Certificate No. EXC 17701 to discipline.

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

5 3. The Board of Pharmacy is authorized to revoke Respondent's Designated  
6 Representative Certificate based upon the following violations alleged in the Accusation which  
7 are supported by the evidence contained in the Default Decision Evidence Packet in this case:

8 a. First Cause for Discipline for Convictions for Substantially Related Crimes (Bus. &  
9 Prof. Code, §§ 490 and 4301, subd. (l));

10 b. Second Cause for Discipline for Acts Involving Moral Turpitude, Dishonesty, Fraud  
11 or Deceit (Bus. & Prof. Code, § 4301, subd. (f)); and

12 c. Third Cause for Discipline for Knowingly Made False Statements of Fact to  
13 Licensing Authority (Bus. & Prof. Code, § 4301, subd. (g)).

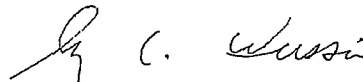
14 ORDER

15 IT IS SO ORDERED that Designated Representative Certificate No. EXC 17701,  
16 heretofore issued to Respondent Fadi Ziad Kamal, is revoked.

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

21 This Decision shall become effective on September 21, 2011.

22 It is so ORDERED August 22, 2011.



23  
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25 STANLEY C. WEISSER, BOARD PRESIDENT  
26 FOR THE BOARD OF PHARMACY  
27 DEPARTMENT OF CONSUMER AFFAIRS

26 60628883.DOC  
27 DOJ Matter ID:LA2010600639

28 Attachment: Exhibit A: Accusation

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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RENE JUDKIEWICZ  
Deputy Attorney General  
4 State Bar No. 141773  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-2537  
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. 3819

13 **FADI ZIAD KAMAL**  
12517 Eucalyptus Avenue, #A  
Hawthorne, CA 90250

**ACCUSATION**

14 Designated Representative Certificate  
No. EXC 17701

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

21 2. On or about November 4, 2004, the Board issued Designated Representative  
22 Certificate No. EXC 17701 to Fadi Ziad Kamal (Respondent). The Designated Representative  
23 Certificate was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on November 1, 2011, unless renewed.

25 **JURISDICTION**

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

28 ///

STATUTORY PROVISIONS

1  
2       4.    Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license  
3 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period  
4 within which the license may be renewed, restored, reissued or reinstated.

5       5.    Section 490 states, in pertinent part:

6       “(a) In addition to any other action that a board is permitted to take against a licensee, a  
7 board may suspend or revoke a license on the ground that the licensee has been convicted of a  
8 crime, if the crime is substantially related to the qualifications, functions, or duties of the business  
9 or profession for which the license was issued.

10       “(b) Notwithstanding any other provision of law, a board may exercise any authority to  
11 discipline a licensee for conviction of a crime that is independent of the authority granted under  
12 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties  
13 of the business or profession for which the licensee’s license was issued.

14       “(c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
15 conviction following a plea of nolo contendere. An action that a board is permitted to take  
16 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
17 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
18 made suspending the imposition of sentence, irrespective of a subsequent order under the  
19 provisions of Section 1203.4 of the Penal Code.”

20       6.    Section 4300 provides, in pertinent part, that every license issued by the Board is  
21 subject to discipline, including suspension or revocation.

22       7.    Section 4301 states, in pertinent part:

23       “The board shall take action against any holder of a license who is guilty of unprofessional  
24 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
25 Unprofessional conduct shall include, but is not limited to, any of the following:

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1 COST RECOVERY

2 9. Section 125.3 states that the Board may request the administrative law judge to direct  
3 a licentiate found to have committed a violation or violations of the licensing act to pay a sum not  
4 to exceed the reasonable costs of the investigation and enforcement of the case.

5 FIRST CAUSE FOR DISCIPLINE

6 (Convictions for Substantially Related Crimes)

7 10. Respondent is subject to disciplinary action under sections 4301, subdivision (l) and  
8 490, in conjunction with California Code of Regulations, title 16, section 1770, in that  
9 Respondent has been convicted of crimes substantially related to the qualifications, functions, or  
10 duties of a designated representative, as follows:

11 a. On or about July 10, 2008, after pleading nolo contendere, Respondent was convicted  
12 of one misdemeanor count of violating Vehicle Code section 12500, subdivision (a) (driving a  
13 vehicle without a valid driver's license) in the criminal proceeding entitled *People v. Kamal*  
14 (Super. Ct. Los Angeles County, 2008, No. 8WA17529). The court ordered Respondent to pay  
15 fines and restitution. The circumstances surrounding the conviction are that on or about March  
16 12, 2008, Respondent drove a vehicle without a valid driver's license. He was cited for violating  
17 Vehicle Code section 14601.1, subdivision (a) (driving a vehicle while driving privilege is  
18 suspended or revoked with knowledge).

19 b. On or about September 1, 1998, after pleading nolo contendere, Respondent was  
20 convicted of one misdemeanor count for violating Penal Code section 415, subdivision (1)  
21 (fighting in a public place) in the criminal proceeding entitled *People v. Kamal* (Super. Ct. Los  
22 Angeles County, 1998, No. 8CU01636). The court placed Respondent on one year of probation,  
23 with terms and conditions. The circumstances surrounding the conviction are that on or about  
24 July 26, 1998, Respondent fought in a public place, and he was arrested for violating Health and  
25 Safety Code section 11357, subdivision (b) (possession of not more than 28.5 grams of  
26 marijuana).

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1 certified, under penalty of perjury under California laws, the truth and accuracy of his exemptee  
2 application. However, Respondent failed to disclose the conviction alleged in paragraph 10,  
3 subparagraph (b). Complainant refers to, and by this reference incorporates, the allegations set  
4 forth above in paragraph 10, subparagraph (b), inclusive, as though set forth fully. Respondent  
5 also failed to disclose the following two convictions.

6 a. On or about March 23, 2001, after pleading nolo contendere, Respondent was  
7 convicted of one felony count of violating Penal Code section 273.5, subdivision (a) (infliction of  
8 corporal injury: spouse/cohabitant abuse) and one misdemeanor count of Penal Code section 236  
9 (false imprisonment) in the criminal proceeding entitled *People v. Kamal* (Super. Ct. Los Angeles  
10 County, 2001, No. 1WL01098). The court sentenced Respondent to 13 days in jail and placed  
11 him on 36 months of probation, with terms and conditions. The circumstances surrounding the  
12 conviction are that on or about March 15, 2001, Respondent and the victim, Respondent's  
13 domestic partner, engaged in a verbal argument that became physical. Respondent pushed the  
14 victim onto their bed, got on top of her and then choked her, telling her, "I'll show you psycho,  
15 I'll kill you."

16 b. On or about March 23, 2001, after pleading nolo contendere, Respondent was  
17 convicted of one misdemeanor count of violating Penal Code section 12020, subdivision (a)(1)  
18 (possession of metal knuckles) in the criminal proceeding entitled *People v. Kamal* (Super. Ct.  
19 Los Angeles County, 2001, No. 1WL10984). The court placed Respondent on 36 months of  
20 probation, with terms and conditions. The circumstances surrounding the conviction are that on  
21 or about January 13, 2001, Respondent was found to be in possession of metal knuckles.

#### 22 PRAYER

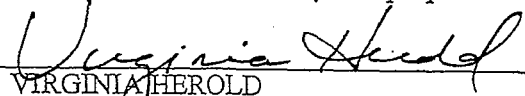
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
24 and that following the hearing, the Board issue a decision:

- 25 1. Revoking or suspending Designated Representative Certificate No. EXC 17701,  
26 issued to Respondent;
- 27 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
28 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: 4/27/11



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

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