

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

In the Matter of the Accusation Against:

Case No. 4766

**KEN EBRAHIM**  
322 Garrison Street #C53  
Oceanside, CA 92054

Pharmacy Technician Registration No.  
TCH 83513

Respondent.

**DECISION AND ORDER**

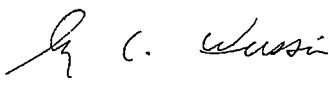
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on July 28, 2014.

It is so ORDERED on July 23, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STAN C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:  
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322 Garrison Street #C53  
14 **Oceanside, CA 92054**  
15  
16 **Pharmacy Technician Registration No. TCH 83513**  
Respondent.

Case No. 4766  
**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

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

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Kamala  
23 D. Harris, Attorney General of the State of California, by David E. Hausfeld, Deputy Attorney  
24 General.  
25 2. Ken Ebrahim (Respondent) is representing himself in this proceeding and has chosen  
26 not to exercise his right to be represented by counsel.  
27 3. On or about June 2, 2008, the Board of Pharmacy issued Pharmacy Technician  
28 Registration No. TCH 83513 to Ken Ebrahim (Respondent). The Pharmacy Technician

1 Registration was in full force and effect at all times relevant to the charges brought in Accusation  
2 No. 4766 and expired on March 31, 2014, and has not been renewed.

3 **JURISDICTION**

4 4. Accusation No. 4766 was filed before the Board of Pharmacy (Board), Department of  
5 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
6 statutorily required documents were properly served on Respondent on March 10, 2014.

7 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
8 No. 4766 is attached as Exhibit A and incorporated by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, and understands the charges and allegations in  
11 Accusation No. 4766. Respondent also has carefully read, and understands the effects of this  
12 Stipulated Surrender of License and Order.

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

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

22 **CULPABILITY**

23 8. Respondent admits the truth of each and every charge and allegation in Accusation  
24 No. 4766, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician  
25 Registration No. TCH 83513 for the Board's formal acceptance.

26 9. Respondent understands that by signing this stipulation he enables the Board to issue  
27 an order accepting the surrender of his Pharmacy Technician Registration without further process.

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1 **CONTINGENCY**

2 10. 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 he may not withdraw his 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 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
12 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures  
13 thereto, shall have the same force and effect as the originals.

14 12. 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 13. 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 Order:

22 **ORDER**

23 IT IS HEREBY ORDERED that Pharmacy Technician Registration No. TCH 83513, issued  
24 to Respondent Ken Ebrahim, is surrendered and accepted by the Board of Pharmacy.

25 1. The surrender of Respondent's Pharmacy Technician Registration and the acceptance  
26 of the surrendered license by the Board shall constitute the imposition of discipline against  
27 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
28 Respondent's license history with the Board of Pharmacy.

1 2. Respondent shall lose all rights and privileges as a Pharmacy Technician in California  
2 as of the effective date of the Board's Decision and Order.

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

5 4. Respondent may not apply for any license, permit, or registration from the Board for  
6 three (3) years, from the effective date of this decision. If Respondent ever applies for licensure  
7 or petitions for reinstatement in the State of California, the Board shall treat it as a new  
8 application for licensure. Respondent must comply with all the laws, regulations and procedures  
9 for licensure in effect at the time the application or petition is filed, including, but not limited to,  
10 certification by a nationally recognized body prior to the issuance of a new license, and all of the  
11 charges and allegations contained in Accusation No. 4766 shall be deemed to be true, correct and  
12 admitted by Respondent when the Board determines whether to grant or deny the application or  
13 petition. Respondent is required to report this surrender as disciplinary action.

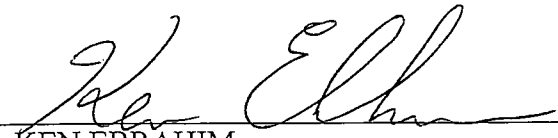
14 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
15 amount of \$2,955.00 prior to issuance of a new or reinstated license.

16 6. If Respondent should ever apply or reapply for a new license or certification, or  
17 petition for reinstatement of a license, by any other health care licensing agency in the State of  
18 California, all of the charges and allegations contained in Accusation, No. 4766 shall be deemed  
19 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
20 other proceeding seeking to deny or restrict licensure.

21 **ACCEPTANCE**

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

26  
27 DATED: 06/17/14

  
28 KEN EBRAHIM  
Respondent

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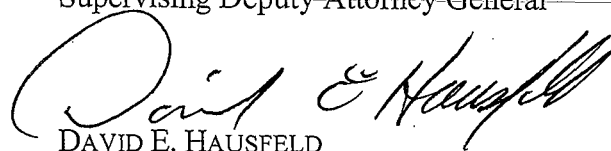
ENDORSEMENT

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: 6/23/14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General



DAVID E. HAUSFELD  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 4766**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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14 Oceanside, CA 92054

**A C C U S A T I O N**

15 **Pharmacy Technician Registration No. TCH 83513**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On June 2, 2008, the Board of Pharmacy issued Pharmacy Technician  
23 Registration Number TCH 83513 to Ken Ebrahim (Respondent). The Pharmacy Technician  
24 Registration was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on March 31, 2014, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
3 Consumer Affairs, under the authority of the following laws. All section references are to the  
4 Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 4300, subdivision (a), of the Code states that every license issued may be  
6 suspended or revoked.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued  
9 license by operation of law or by order or decision of the board or a court of law,  
10 the placement of a license on a retired status, or the voluntary surrender of a  
11 license by a licensee shall not deprive the board of jurisdiction to commence or  
proceed with any investigation of, or action or disciplinary proceeding against, the  
licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

14 Each board under the provisions of this code shall develop criteria to  
15 evaluate the rehabilitation of a person when:

- 16 (a) Considering the denial of a license by the board under Section 480; or
- 17 (b) Considering suspension or revocation of a license under Section 490.

18 Each board shall take into account all competent evidence of rehabilitation  
19 furnished by the applicant or licensee.

20 7. Section 4301 of the Code states:

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

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

25  
26 8. Health and Safety Code Section 11377 states:

- 27 (a) Except as authorized by law and as otherwise provided in subdivision
- 28 (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter  
9 of Division 2 of the Business and Professions Code, every person who possesses

1 any controlled substance which is (1) classified in Schedule III, IV, or V, and  
2 which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054,  
3 except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in  
4 paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2)  
5 or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e),  
6 or (f) of Section 11055, unless upon the prescription of a physician, dentist,  
7 podiatrist, or veterinarian, licensed to practice in this state, shall be punished by  
8 imprisonment in a county jail for a period of not more than one year or pursuant  
9 to subdivision (h) of Section 1170 of the Penal Code.

### REGULATORY PROVISIONS

9. California Code of Regulations, title 16, section 1769, states:

....

(b) When considering the suspension or revocation of a facility or a personal license on the ground that the licensee or the registrant has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with all terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) Evidence, if any, of rehabilitation submitted by the licensee.

10. 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.

### DRUG

11. Methamphetamine is a Schedule II controlled substance as designated by Health and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business and Professions Code section 4022.

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1 **COST RECOVERY**

2 12. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
3 the administrative law judge to direct a licentiate found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
6 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
7 may be included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Violation of Drug Regulation Laws)**

10 13. Respondent subjected his pharmacy technician registration to discipline under  
11 Code section 4301, subdivision (j) in that on April 12, 2013, he violated Health and Safety Code  
12 section 11377, subdivision (a), unlawful possession of a controlled substance, a misdemeanor  
13 pursuant to PC 17 subdivision (b)(4), a statute of the State of California regulating controlled  
14 substances and dangerous drugs. The circumstances are as follows:

15 14. On April 12, 2013, while driving along College Boulevard in Oceanside,  
16 California, Respondent straddled the number one and number two lanes. Officers from the  
17 Oceanside Police Department driving their patrol vehicle directly behind Respondent's car  
18 initiated an enforcement stop. During the search of Respondent's vehicle, the officers found a  
19 small plastic bindle containing approximately .3 grams of a white crystalline substance, which  
20 they suspected to be methamphetamine. Respondent spontaneously stated, "I didn't know that  
21 was in there, is it a felony?" On October 25, 2013, the San Diego County Sheriff's Office  
22 Regional Crime Laboratory Controlled Substances Analysis and Narcotics Unit analyzed the  
23 white crystalline substance inside the zip lock bag found in Respondent's vehicle, which was  
24 found to be .29 grams of methamphetamine.

25 **PRAYER**

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

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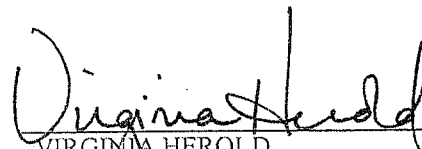
1. Revoking or suspending Pharmacy Technician Registration Number TCH 83513, issued to Ken Ebrahim;

2. Ordering Ken Ebrahim to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED:

2/19/14



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

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