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

In the Matter of the Accusation Against:
ADLI SAM ALAMI
27298 Wedgewood Way
Murrieta, CA 92562
Pharmacy Technician Registration No. TCH 73355
Respondent.

Case No. 4804

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On November 4, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4804 against Adli Sam Alami (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On December 6, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 73355 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4804 and will expire on March 31, 2014, unless renewed.

3. On November 20, 2013, Respondent was served by Certified and First Class Mail copies of the Accusation No. 4804, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7)

1 at Respondent's address of record which, pursuant to Business and Professions Code section
2 4100, is required to be reported and maintained with the Board. Respondent's address of record
3 was and is 27298 Wedgewood Way, Murrieta, CA 92562.

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

6 5. On November 27, 2013, the domestic return receipt for the aforementioned
7 documents was returned by the U.S. Postal Service indicating receipt.

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
11 denial of all parts of the accusation not expressly admitted. Failure to file a notice
12 of defense shall constitute a waiver of respondent's right to a hearing, but the
13 agency in its discretion may nevertheless grant a hearing.

14 7. Respondent failed to file a Notice of Defense within 15 days after service upon
15 him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation
16 No. 4804.

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

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

22 9. Pursuant to its authority under Government Code section 11520, the Board finds
23 Respondent is in default. The Board will take action without further hearing and, based on the
24 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
25 taking official notice of all the investigatory reports, exhibits and statements contained therein on
26 file at the Board's offices regarding the allegations contained in Accusation No. 4804, finds that
27 the charges and allegations in Accusation No. 4804, are separately and severally, found to be true
28 and correct by clear and convincing evidence.

10 Taking official notice of its own internal records, pursuant to Business and
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for
12 Investigation and Enforcement is \$800.00 as of December 16, 2013.

DETERMINATION OF ISSUES

1
2 1. Based on the foregoing findings of fact, Respondent Adli Sam Alami has
3 subjected his Pharmacy Technician Registration No. TCH 73355 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 Pharmacy
6 Technician Registration based upon the following violations alleged in the Accusation which are
7 supported by the evidence contained in the Default Decision Evidence Packet in this case.

8 a. Respondent subjected his pharmacy technician registration to discipline
9 under Code sections 490 and 4301, subdivision (l) in that on March 21, 2013, in a criminal
10 proceeding entitled *The People of the State of California vs. Adli Sameh Alami*, in Riverside
11 County Superior Court, Southwest Justice Center, Murietta Courthouse, Case Number
12 SWM1204708, Respondent was convicted on his plea of guilty to violating Vehicle Code section
13 23152, subdivision (a), driving under the influence of alcohol and a drug and under their
14 combined influence, a misdemeanor.

15 b. Respondent subjected his pharmacy technician registration to discipline
16 under Code sections 490 and 4301, subdivision (h) in that on June 5, 2012, he used opiates,
17 cannabinoids, and benzodiazepine to the extent and in a manner that was dangerous and injurious
18 to himself and to the public.

19 c. Respondent subjected his pharmacy technician registration to discipline
20 under Code sections 490 and 4301, subdivision (j) in that on June 5, 2012, he violated Health and
21 Safety Code section 11550, subdivision (a), unlawful use and being under the influence of a
22 controlled substance, not having been administered by and under the direction of a person
23 licensed by the State of California to prescribe and administer controlled substances, a statute of
24 the State of California regulating controlled substances and dangerous drugs.

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ORDER

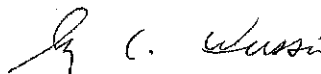
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 73355, heretofore issued to Respondent Adli Sam Alami, is revoked.

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

This Decision shall become effective on February 28, 2014.

It is so ORDERED ON January 29, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____
STAN C. WEISSER
Board President

70796694.DOC
DOJ Matter ID:SD2013705562

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 4804

13 **ADLI SAM ALAMI**
27298 Wedgewood Way
14 Murrieta, CA 92562

ACCUSATION

15 **Pharmacy Technician Registration No. TCH 73355**

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 December 6, 2006, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 73355 to Adli Sam Alami (Respondent). Respondent has also been
24 known as Adli Sameh Alami. The Pharmacy Technician Registration was in full force and effect
25 at all times relevant to the charges brought herein and will expire on March 31, 2014, unless
26 renewed.

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JURISDICTION

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

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

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a 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.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

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

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

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

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of

1 the crime in order to fix the degree of discipline or to determine if the conviction
2 is substantially related to the qualifications, functions, and duties of the licensee in
3 question.

4 As used in this section, 'license' includes 'certificate,' 'permit,'
5 'authority,' and 'registration.'

6 9. Section 4022 of the Code states

7 "Dangerous drug" or "dangerous device" means any drug or device unsafe
8 for self-use in humans or animals, and includes the following:

9 (a) Any drug that bears the legend: "Caution: federal law prohibits
10 dispensing without prescription," "Rx only," or words of similar import.

11 (b) Any device that bears the statement: "Caution: federal law restricts
12 this device to sale by or on the order of a _____," "Rx only," or words of
13 similar import, the blank to be filled in with the designation of the practitioner
14 licensed to use or order use of the device.

15 (c) Any other drug or device that by federal or state law can be
16 lawfully dispensed only on prescription or furnished pursuant to Section 4006.

17 10. Section 4301 of the Code states:

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

22

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

29

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

32

33 (l) The conviction of a crime substantially related to the qualifications,
34 functions, and duties of a licensee under this chapter. The record of conviction of
35 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United
36 States Code regulating controlled substances or of a violation of the statutes of
37 this state regulating controlled substances or dangerous drugs shall be conclusive
38 evidence of unprofessional conduct. In all other cases, the record of conviction
shall be conclusive evidence only of the fact that the conviction occurred. The
board may inquire into the circumstances surrounding the commission of the
crime, in order to fix the degree of discipline or, in the case of a conviction not
involving controlled substances or dangerous drugs, to determine if the conviction
is of an offense substantially related to the qualifications, functions, and duties of

1 a licensee under this chapter. A plea or verdict of guilty or a conviction following
2 a plea of *nolo contendere* is deemed to be a conviction within the meaning of this
3 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
5 probation is made suspending the imposition of sentence, irrespective of a
6 subsequent order under section 1203.4 of the Penal Code allowing the person to
7 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
8 the verdict of guilty, or dismissing the accusation, information, or indictment.

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REGULATORY PROVISIONS

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

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

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

15 (2) Total criminal record.

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

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

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

21 12. California Code of Regulations, title 16, section 1770, states:

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

COST RECOVERY

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request
the administrative law judge to direct a licentiate found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
2 may be included in a stipulated settlement.

3 **DRUGS AT ISSUE**

4 14. Alprazolam, a depressant in the benzodiazepine family, is a Schedule IV
5 controlled substance as designated by Health and Safety Code, section 11057, subdivision (d)(1)
6 and is a dangerous drug pursuant to Code section 4022.

7 15. Hydrocodone is a Schedule III controlled substance as designated by Health and
8 Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to section 4022.

9 16. Marijuana is a Schedule I controlled substance as designated by Health and Safety
10 Code section 11054, subdivision (d)(13) and is a dangerous drug pursuant to section 4022.

11 17. Oxycodone is a Schedule II controlled substance as designated by Health and
12 Safety Code Section 11055(b) and is a dangerous drug pursuant to Code section 4022.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(March 21, 2013 Criminal Conviction for DUI on June 5, 2012)**

15 18. Respondent subjected his pharmacy technician registration to discipline under
16 Code sections 490 and 4301, subdivision (l) in that he was convicted of a crime that is
17 substantially related to the qualifications, functions, and duties of a registered pharmacy
18 technician. The circumstances are as follows:

19 a. On March 21, 2013, in a criminal proceeding entitled *The People of the*
20 *State of California vs. Adli Sameh Alami*, in Riverside County Superior Court, Southwest Justice
21 Center, Murietta Courthouse, Case Number SWM1204708, Respondent was convicted on his
22 plea of guilty to violating Vehicle Code (VC) 23152, subdivision (a), driving under the influence
23 of alcohol and a drug and under their combined influence (DUI), a misdemeanor.

24 b. As a result of the conviction, on March 21, 2013, Respondent was granted
25 summary probation for thirty-six months, and committed to the custody of the Riverside
26 Sheriff's Office for two days with credit for two days served. Respondent was also ordered to
27 pay penalty assessments, fines, and fees; and attend and satisfactorily complete a three-month
28 first offender DUI program.

1 c. The facts that led to the conviction are that on June 5, 2012, an officer of
2 the California Highway Patrol (CHP) spotted Respondent's car stuck in a dirt field on the right
3 shoulder of Antelope Road in Temecula, California. While explaining to the officer how his
4 vehicle got stuck in the dirt field, Respondent appeared tired, with his eyes droopy, glassy, half-
5 closed, and watery, and his speech soft and slow. Respondent answered in the negative when
6 asked if he had been drinking. However, Respondent claimed that he had a medical marijuana
7 card and admitted to smoking two strong Indica marijuana joints around 5 p.m. and took one-
8 fourth milligram of Xanax at 10 p.m. before his arrest a little past midnight. Respondent was
9 unable to perform the field sobriety tests (FST) as explained and demonstrated. During the
10 inventory of Respondent's vehicle, the officer found two plastic sandwich bags with marijuana
11 and a glass pipe with burnt marijuana residue. Respondent was then transported to the CHP
12 Temecula office for drug evaluation. Respondent provided a blood sample, which tested positive
13 for oxycodone, hydrocodone, and marijuana.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Dangerous Use Of Drugs)**

16 19. Respondent subjected his pharmacy technician registration to discipline under
17 Code sections 490 and 4301, subdivision (h) in that on June 5, 2012, he used opiates,
18 cannabinoids, and benzodiazepine to the extent and in a manner that was dangerous and injurious
19 to himself and to the public, as described in paragraph 21, above, which is incorporated by
20 reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct - Violation of Drug Regulation Laws)**

23 20. Respondent subjected his pharmacy technician registration to discipline under
24 Code sections 490 and 4301, subdivision (j) in that on June 5, 2012, he violated HSC section
25 11550, subdivision (a), unlawful use and being under the influence of a controlled substance, not
26 having been administered by and under the direction of a person licensed by the State of
27 California to prescribe and administer controlled substances, a statute of the State of California
28 regulating controlled substances and dangerous drugs.

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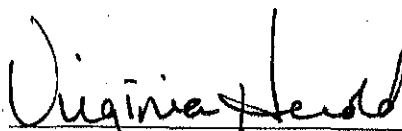
PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 73355, issued to Adli Sam Alami, also known as Adli Sameh Alami;
2. Ordering Adli Sam Alami 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: _____

11/4/13



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

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