

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

In the Matter of the Petition to Revoke Probation  
Against:

SARA SHADAB

Pharmacy Technician Registration No. TCH  
119715

Respondent.

Case No. 5247

OAH No. 2015021161

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as the decision in the above-entitled matter, except that, pursuant to the provisions of Government Code section 11517, subdivision (c)(2)(C), the following technical change is made to page six, paragraph one, under Order:

“The probation of pharmacy technician registration number TCH 119715, issued to Respondent Sara Shadab, is revoked.”

The technical change made above does not affect the factual or legal basis of the Proposed Decision, which shall become effective on July 31, 2015.

IT IS SO ORDERED this 1st day of July, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
AMARYLIS GUTIERREZ  
Board President

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

In the Matter of the Petition to Revoke  
Probation Against:

SARA SHADAB

Pharmacy Technician Registration No. TCH  
119715

Respondent.

Case No. 5247

OAH No. 2015021161

**PROPOSED DECISION**

Administrative Law Judge Angela Villegas, State of California, Office of Administrative Hearings, heard this matter on June 8, 2015, in Los Angeles, California.

Sydney M. Mehringer, Deputy Attorney General, represented complainant.

Respondent represented herself.

Evidence was received, and the matter was submitted for decision on June 8, 2015.

**FACTUAL FINDINGS**

1. Complainant Virginia Herold, Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California (Board), filed the Petition to Revoke Probation in her official capacity. Respondent filed a notice of defense requesting a hearing.
2. Respondent holds pharmacy technician registration number TCH 119715, issued by the Board on February 7, 2013. Respondent's registration expired August 31, 2014, and has not been renewed. The Board has continuing jurisdiction pursuant to Business and Professions Code sections 118, subdivision (b), and 4300.1.
3. Respondent obtained her pharmacy technician registration through a decision and order (Order) adopting a stipulated settlement, which followed the filing of a Statement

of Issues.<sup>1</sup> Under the Order, respondent's pharmacy technician registration was revoked upon issuance, but the revocation was stayed and the license was placed on probation for two years, on terms and conditions including the following.

**1. Certification Prior to Resuming Work**

Respondent shall be automatically suspended from working as a pharmacy technician until she is certified as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the board. Respondent shall not resume working as a pharmacy technician until notified by the board. Failure to achieve certification within one (1) year shall be considered a violation of probation. . . .

During suspension, respondent shall not enter any pharmacy area or any portion of any other board licensed premises . . . or any other location where dangerous drugs and devices or controlled substances are maintained.

**3. Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. . . . Failure to submit timely reports in a form as directed shall be considered a violation of probation.

**5. Cooperate with Board Staff**

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

**7. Probation Monitoring Costs**

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

**12. Violation of Probation**

If Respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended, until all

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<sup>1</sup> The stipulated settlement and Statement of Issues bore Board case number 4378. If there was an Office of Administrative Hearing case number, the evidence did not disclose it.

terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If Respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. . . . If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall automatically be extended until the petition to revoke probation or accusation is heard and decided.

(Ex. 3.)

4. The reasons for the Statement of Issues and Order were (a) respondent's conviction, in 2005, of violating title 18 United States Code section 1543 (attempting to use a forged, counterfeit, or altered passport), a felony; (b) the conduct underlying respondent's conviction; and (c) respondent's failure to acknowledge her conviction on her application to the Board for pharmacy technician registration. (Ex. 3.)

5. (a) On February 15, 2013 respondent had an initial conference with Joan Coyne, the Board's Supervising Inspector, and Board Inspectors Simin Samari and Katherine Sill; Inspector Samari became respondent's probation monitor. At the initial conference, each probation term was reviewed with respondent and explained to her. Respondent understood the terms of her probation.

(b) At the conclusion of the initial conference, respondent signed a statement acknowledging that she "thoroughly underst[oo]d these terms and conditions as set forth in the disciplinary action and that failure to comply may result in further disciplinary action." (Ex. 5.) At the administrative hearing, respondent also confirmed she had been represented by counsel when she entered into the stipulated settlement that led to the Order, and understood the terms and conditions of her probation when she signed the stipulated settlement.

6. The "certifi[cation] . . . as defined by Business and Professions Code section 4202(a)(4)" referred to in probation condition 1 means certification by the Pharmacy Technician Certification Board (PTCB), a national organization that offers a nationwide standardized examination for pharmacy technicians.<sup>2</sup>

7. Respondent took the PTCB examination twice, first in the spring of 2013 and again in fall 2013. Both times she found the examination very difficult, and failed.

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<sup>2</sup> Under probation condition 1, respondent's pharmacy technician registration was suspended February 8, 2013 pending her certification.

Respondent's preparation for the examination had been to study by herself, take practice examinations, and audit classes at the school where she trained to become a pharmacy technician. PTCB would have allowed respondent to take the examination again, though there would have been a 60-day waiting period between examinations.

8. On December 2, 2013, the Board's enforcement analyst sent respondent a letter reminding her of the February 6, 2013 deadline to submit proof of certification. (Ex. 6.) Respondent did not respond to the letter. She instead opted not to attempt the examination again. Accordingly, respondent did not achieve certification pursuant to Business and Professions Code section 4202, subdivision (a)(4), in the first year of her probation, and she still has not done so.

9. Respondent filed no quarterly reports after July 19, 2013. On May 13, 2014, Supervising Inspector Coyne sent respondent a letter notifying her that she was not in compliance with probation conditions 1 and 3, and giving her until May 27, 2014 to comply. (*Id.*) Respondent did not respond to the letter.

10. On March 7, April 23, and June 11, 2014, Inspector Samari left voice mail messages for respondent. Respondent did not return any of these calls.

11. On May 13, 2014, the Board invoiced respondent for \$51 in probation monitoring costs, and instructed her to pay within 15 days. (Ex. 6.) Respondent did not pay the invoice. At the administrative hearing, respondent explained that by the time the invoice was sent to her, she had stopped opening Board mail.

12. (a) Respondent believably explained she had become discouraged and "depressed" (respondent's testimony), and stopped participating in her probation as a result. Although she sought treatment for depression on a few occasions, she is not currently undergoing such treatment. She continues to be discouraged, with essentially the same mental state as she had when she stopped participating in her probation.

(b) Respondent found complying with the terms of probation onerous, especially the process to apply for and take the PTCB examination.

(c) Respondent also found it impossible to get a job while on probation, because she was honest about her probationary status, and potential pharmacy employers did not want to hire a probationer, and thereby invite Board scrutiny. Respondent's probationary status caused her to lose a job she had been promised at a compounding pharmacy. She eventually concluded that, even if she passed the PTCB examination, she would be unemployable so long as she remained on probation, and that conclusion contributed to her decision to stop participating in her probation.

13. Respondent has also found it impossible to find work with non-pharmacy employers, and is financially supported by her mother, with whom she lives. She feels her inability to find work is due to the Board's having posted information on its website,

accessible via internet search engines, about her conviction and the discipline of her pharmacy technician registration. She feels the posting of adverse information about her has vilified her unjustly.

14. Respondent is 38 years old. She came to the United States from Iran in 2004, in search of freedom. She is indignant over her experiences since applying to become a pharmacy technician, and expressed considerable resentment toward the Board and its probation program. She feels she has been treated like a criminal, and has been punished again for her conviction, which she believed was behind her. She is frustrated to have spent money training to become a pharmacy technician, only to be unable to work as one.

15. (a) Notwithstanding respondent's discouragement with probation and frustration with the Board, she wishes to continue on probation and work as a pharmacy technician.

(b) If given an extension of probation and another chance to comply, respondent testified she would re-take the PTCB examination, and if necessary, take a test-preparation class in order to pass. She indicated she would also submit the required quarterly reports, communicate with her probation monitor, and pay probation monitoring fees.

(c) Respondent's testimony in this regard appeared overly optimistic, given her rancor toward the Board, her history of discouragement with her attempts to pass the PTCB examination and find work, and her acknowledgement that her feelings of discouragement continue.

#### LEGAL CONCLUSIONS

1. Complainant demonstrated, by a preponderance of the evidence, that respondent failed to comply with probation conditions 1,3, 5, and 7. (Factual Findings 3-12.) (See *Sandarg v. Dental Bd. of California* (2010) 184 Cal.App.4th 1434, 1441 [board "is only required to prove the allegations in a petition to revoke probation by a preponderance of the evidence."].) Indeed, the Board's allegations in this regard were essentially uncontested. (Factual Findings 5-12.)

2. Under Business and Professions Code section 4300, subdivision (d), and probation condition 12, respondent's failure to comply fully with the conditions of her probation constitutes cause to revoke probation and impose the stayed discipline of license revocation. (Factual Findings 3-12.) Likewise, the Board's Disciplinary Guidelines provide that "revocation is typically the appropriate penalty when grounds for discipline are found to exist" against a pharmacy technician. (Disciplinary Guidelines at p. 43.)

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3. Probation condition 12 also extends respondent's probation and allows the Board to proceed, despite the fact that the administrative hearing was held, and the decision will be rendered, after the date on which respondent's probation would otherwise have ended. (Factual Findings 1-3.)

4. Respondent did not establish sufficient rehabilitation to warrant an extension of probation. Indeed, respondent did not try to establish rehabilitation. She attempted to demonstrate mitigation with regard to her failure to comply with the terms of her probation, but her showing was limited to expressing her frustration with the difficulty of compliance and of securing employment while on probation. (Factual Findings 12-14.) These factors and respondent's feelings, while understandable, did not justify her failure to comply, or to cooperate with the Board in its efforts to communicate with her and facilitate her compliance.

5. Respondent did not establish that, if given an extension of probation, she would fare better. (Factual Finding 15.) Although she voiced the intention to prepare more thoroughly for the PTCB examination, she did not undertake such preparations after failing the examination the first or second time (Factual Finding 7), casting doubt on her commitment to passing the examination.

6. Moreover, respondent's claim that she would provide quarterly reports and cooperate with her probation monitor in the future was dubious, considering her past performance. (Factual Findings 5-15.) Other than expressing bitterness about the way her probation had progressed, respondent provided no indication how or why she would behave differently under an extended probation than she did in the first instance. (Factual Findings 12-15.) Indeed, she acknowledged her underlying mental state was unchanged since she ceased participating in her probation. (Factual Finding 12.)

6. In short, respondent presented virtually no evidence that she could or would progress satisfactorily if her probation were extended. Although respondent would not be in a position to work as a pharmacy technician until becoming certified (Factual Finding 3), public protection calls for more than just technical knowledge. A pharmacy technician must also be dependable, and capable of complying with sometimes-frustrating rules and demands. Respondent's recalcitrance in her probation indicates she is not up to the task.

#### ORDER

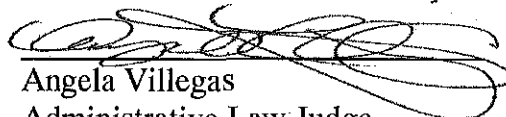
1. The probation of pharmacy technician registration number TCH 89969, issued to Respondent Sara Shadab, is revoked.

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2. Pharmacy technician registration number TCH 119715, issued to Respondent Sara Shadab, is also revoked. Respondent shall relinquish her pharmacy technician registration to the Board within 10 days of the effective date of this Decision. Respondent may reapply or petition the Board for reinstatement of her revoked pharmacy technician registration three years from the effective date of this decision.

Dated: June 11, 2015

  
Angela Villegas  
Administrative Law Judge  
Office of Administrative Hearings



1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Deputy Attorney General  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-2537  
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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 Petition to Revoke  
13 Probation Against:

Case No. 5247

**PETITION TO REVOKE PROBATION**

14 **SARA SHADAB**  
22122 Erwin St., Apt. #F107  
Woodland Hills, CA 91367

15 Pharmacy Technician Registration No. TCH  
16 119715

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about February 7, 2013, the Board of Pharmacy ("Board") issued Pharmacy  
24 Technician Registration No. TCH 119715 to Sara Shadab ("Respondent"). The Pharmacy  
25 Technician Registration was suspended on February 8, 2013, expired on August 31, 2014, and  
26 has not been renewed.

27 3. In a disciplinary action entitled "*In the Matter of Statement of Issues Against Sara*  
28 *Shadab*," Case No. 4378, the Board issued a decision, effective February 7, 2013, in which

1 Respondent was issued a Technician Registration that was immediately revoked ("Decision").  
2 However, the revocation was stayed and Respondent's Pharmacy Technician Registration was  
3 placed on probation for a period of two (2) years with certain terms and conditions. A copy of  
4 that Decision is attached as Exhibit A and is incorporated by reference.

#### 5 JURISDICTION

6 4. This Petition to Revoke Probation is brought before the Board under the authority of  
7 the following laws and the Decision.

8 5. Business and Professions Code section 4300.1 states:

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

14 6. Business and Professions Code section 4300, subdivision (d) states:

15 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary  
16 certificate of licensure for any violation of the terms and conditions of probation. Upon  
17 satisfactory completion of probation, the board shall convert the probationary certificate to a  
18 regular certificate, free of conditions."

19 7. At all times after the February 7, 2013 effective date of Respondent's probation,  
20 Probation Condition 12 of the Decision provides:

#### 21 **Violation of Probation**

22 "If Respondent has not complied with any term or condition of probation, the board  
23 shall have continuing jurisdiction over Respondent, and probation shall automatically  
24 be extended, until all terms and conditions have been satisfied or the board has taken  
25 other action as deemed appropriate to treat the failure to comply as a violation of  
26 probation, to terminate probation, and to impose the penalty that was stayed.

27 "If Respondent violates probation in any respect, the board, after giving respondent  
28 notice and an opportunity to be heard, may revoke probation and carry out the  
disciplinary order that was stayed. Notice and opportunity to be heard are not  
required for those provisions stating that a violation thereof may lead to automatic  
termination of the stay and/or revocation of the license. If a petition to revoke  
probation or an accusation is filed against respondent during probation, the board  
shall have continuing jurisdiction, and the period of probation shall be automatically

1 extended until the petition to revoke probation or accusation is heard and decided."

2 **FIRST CAUSE TO REVOKE PROBATION**

3 **(Failure to Obtain Certification Prior to Resuming Work)**

4 8. At all times after the February 7, 2013 effective date of the Decision, Respondent was  
5 subject to Probation Condition 1:

6 **Certification Prior To Resuming Work**

7 "Respondent shall be automatically suspended from working as a pharmacy  
8 technician until she is certified as defined by Business and Professions Code section  
9 4202(a)(4) and provides satisfactory proof of certification to the board. Respondent  
10 shall not resume working as a pharmacy technician until notified by the board.  
11 Failure to achieve certification within one (1) year shall be considered a violation of  
12 probation. Respondent shall not resume working as a pharmacy technician until  
13 notified by the board.

14 "During suspension, respondent shall not enter any pharmacy area or any portion of  
15 any other board licensed premises (wholesaler, veterinary food-animal drug retailer or  
16 any other distributor of drugs) any drug manufacturer, or any other location where  
17 dangerous drugs and devices or controlled substances are maintained. Respondent  
18 shall not do any act involving drug selection, selection of stock, manufacturing,  
19 compounding or dispensing; nor shall respondent manage, administer, or assist any  
20 licensee of the board. Respondent shall not have access to or control the ordering,  
21 manufacturing or dispensing of dangerous drugs and devices or controlled substances.  
22 Respondent shall not resume work until notified by the board.

23 "Subject to the above restrictions, Respondent may continue to own or hold an  
24 interest in any licensed premises by the board in which she holds an interest at the  
25 time this decision becomes effective unless otherwise specified in this order. Failure  
26 to comply with this suspension shall be considered a violation of probation."

27 9. Respondent's probation is subject to revocation because she failed to comply with  
28 Probation Condition 1 in that she failed to become certified by the Pharmacy Technician  
Certification Board ("PTCB") within the first year of probation. On or about December 2, 2013,  
the Board sent Respondent a letter via first class and certified mail notifying her of the  
requirement to submit proof of certification or proof of registration with the PTCB by February 6,  
2014. On or about December 4, 2013, Respondent received and signed for the Board's letter. On  
or about May 13, 2014, the Board sent Respondent another letter via first class and certified mail  
advising her of her failure to submit proof of certification or proof of registration with the PTCB.  
Respondent was advised to submit proof of certification by May 27, 2014. Respondent received  
and signed for the Board's letter, but has failed to respond.



1 FOURTH CAUSE TO REVOKE PROBATION

2 (Probation Monitoring Costs)

3 14. At all times after the February 7, 2013 effective date of the Decision, Respondent was  
4 subject to Probation Condition 7:

5 **Probation Monitoring Costs**

6 "Respondent shall pay any costs associated with probation monitoring as determined  
7 by the board each and every year of probation. Such costs shall be payable to the  
8 board on a schedule as directed by the board or its designee. Failure to pay such costs  
9 by the deadline(s) as directed shall be considered a violation of probation."

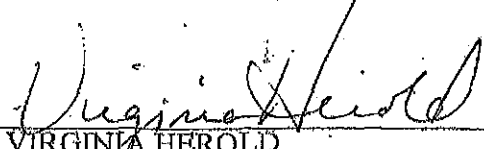
10 15. Respondent's probation is subject to revocation because she failed to comply with  
11 Probation Condition 7 in that she failed to pay the probation monitoring costs. On or about May  
12 13, 2014, the Board sent a probation monitoring bill to Respondent for probation monitoring costs  
13 from February 7, 2013 to February 6, 2014. Payment was due within 15 days of the notice, but  
14 no payment has been received.

15 PRAYER

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

- 18 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4378  
19 and imposing the disciplinary order that was stayed thereby revoking Pharmacy Technician  
20 Registration No. TCH 119715 issued to Sara Shadab;  
21 2. Revoking or suspending Pharmacy Technician Registration No. TCH 119715, issued  
22 to Sara Shadab; and  
23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 11/14/14

  
25 VIRGINIA HEROLD  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant

LA2014512375  
51606623.doc

**Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 4378**

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

In the Matter of the Statement of Issues Against:

Case No. 4378

**SARA SHADAB**  
8906 SW 150 Court Circle N  
Miami, FL 33196

**Applicant for Pharmacy Technician License**

Respondent.

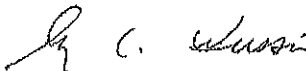
**DECISION AND ORDER**

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 February 7, 2013.

It is so ORDERED on January 8, 2013.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
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2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

10 In the Matter of the Statement of Issues  
11 Against:

Case No. 4378

12 **SARA SHADAB**  
8906 SW 150 Court Cir N.  
13 Miami, FL 33196  
Applicant for Pharmacy Technician  
14 Registration

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled  
18 proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Sydney M. Mehringer, Deputy Attorney  
23 General.

24 2. Respondent Sara Shadab ("Respondent") is represented in this proceeding by attorney  
25 Hamid Soleimanian, whose address is: Law Offices of Hamid Soleimanian, 16633 Ventura Blvd.  
26 Suite 503, Encino, CA 91436

27 3. On or about October 3, 2011, Respondent filed an application dated August 12, 2011,  
28 with the Board of Pharmacy to obtain a Pharmacy Technician Registration.







1 she is certified as defined by Business and Professions Code section 4202(a)(4) and provides  
2 satisfactory proof of certification to the board. Respondent shall not resume working as a  
3 pharmacy technician until notified by the board. Failure to achieve certification within one (1)  
4 year shall be considered a violation of probation. Respondent shall not resume working as a  
5 pharmacy technician until notified by the board.

6 During suspension, respondent shall not enter any pharmacy area or any portion of any  
7 other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other  
8 distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and  
9 devices or controlled substances are maintained. Respondent shall not do any act involving drug  
10 selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent  
11 manage, administer, or assist any licensee of the board. Respondent shall not have access to or  
12 control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled  
13 substances. Respondent shall not resume work until notified by the board.

14 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
15 any licensed premises by the board in which she holds an interest at the time this decision  
16 becomes effective unless otherwise specified in this order.

17 Failure to comply with this suspension shall be considered a violation of probation.

18 **2. Obey All Laws**

19 Respondent shall obey all state and federal laws and regulations.

20 Respondent shall report any of the following occurrences to the board, in writing, within  
21 seventy-two (72) hours of such occurrence:

- 22  an arrest or issuance of a criminal complaint for violation of any provision of the  
23 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
24 substances laws
- 25  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
26 criminal complaint, information or indictment
- 27  a conviction of any crime
- 28  discipline, citation, or other administrative action filed by any state or federal agency

1 which involves Respondent's Pharmacy Technician license or which is related to the  
2 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
3 or charging for any drug, device or controlled substance.

4 Failure to timely report any such occurrence shall be considered a violation of probation.

5 **3. Report to the Board**

6 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
7 designee. The report shall be made either in person or in writing, as directed. Among other  
8 requirements, respondent shall state in each report under penalty of perjury whether there has  
9 been compliance with all the terms and conditions of probation. Failure to submit timely reports  
10 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
11 in submission of reports as directed may be added to the total period of probation. Moreover, if  
12 the final probation report is not made as directed, probation shall be automatically extended until  
13 such time as the final report is made and accepted by the board.

14 **4. Interview with the Board**

15 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
16 with the board or its designee, at such intervals and locations as are determined by the board or its  
17 designee. Failure to appear for any scheduled interview without prior notification to board staff,  
18 or failure to appear at two (2) or more scheduled interviews with the board or its designee during  
19 the period of probation, shall be considered a violation of probation.

20 **5. Cooperate with Board Staff**

21 Respondent shall cooperate with the board's inspection program and with the board's  
22 monitoring and investigation of respondent's compliance with the terms and conditions of her  
23 probation. Failure to cooperate shall be considered a violation of probation.

24 **6. Notice to Employers**

25 During the period of probation, Respondent shall notify all present and prospective  
26 employers of the decision in case number 4378 and the terms, conditions and restrictions imposed  
27 on Respondent by the decision, as follows:

28 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of


1 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
2 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
3 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
4 individual(s) has/have read the decision in case number 4378 and the terms and conditions  
5 imposed thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
6 supervisor(s) submit timely acknowledgement(s) to the board.

7 If Respondent works for or is employed by or through a pharmacy employment service,  
8 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy  
9 of the terms and conditions of the decision in case number 4378 in advance of the respondent  
10 commencing work at each pharmacy. A record of this notification must be provided to the board  
11 upon request.

12 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
13 (15) days of respondent undertaking any new employment by or through a pharmacy employment  
14 service, Respondent shall cause her direct supervisor with the pharmacy employment service to  
15 report to the board in writing acknowledging that she has read the decision in case number 4378  
16 and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure  
17 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

18 Failure to timely notify present or prospective employer(s) or to cause that/those  
19 employer(s) to submit timely acknowledgements to the board shall be considered a violation of  
20 probation.

21 "Employment" within the meaning of this provision shall include any full-time,  
22 part-time, temporary or relief service or pharmacy management service as a pharmacy  
23 technician or in any position for which a pharmacy technician license is a requirement  
24 or criterion for employment, whether the respondent is considered an employee,  
25 independent contractor or volunteer.

26  7. **Probation Monitoring Costs**

28 Respondent shall pay any costs associated with probation monitoring as determined by the

1 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
2 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
3 be considered a violation of probation.

4 **8. Status of License**

5 Respondent shall, at all times while on probation, maintain an active, current pharmacy  
6 technician license with the board, including any period during which suspension or probation is  
7 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

8 If Respondent's pharmacy technician license expires or is cancelled by operation of law or  
9 otherwise at any time during the period of probation, including any extensions thereof due to  
10 tolling or otherwise, upon renewal or reapplication Respondent's license shall be subject to all  
11 terms and conditions of this probation not previously satisfied.

12 **9. License Surrender While on Probation/Suspension**

13 Following the effective date of this decision, should respondent cease work due to  
14 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
15 respondent may tender her pharmacy technician license to the board for surrender. The board or  
16 its designee shall have the discretion whether to grant the request for surrender or take any other  
17 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
18 license, Respondent will no longer be subject to the terms and conditions of probation. This  
19 surrender constitutes a record of discipline and shall become a part of the Respondent's license  
20 history with the board.

21 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician  
22 license to the board within ten (10) days of notification by the board that the surrender is  
23 accepted. Respondent may not reapply for any license, permit, or registration from the board for  
24 three (3) years from the effective date of the surrender. Respondent shall meet all requirements  
25 applicable to the license sought as of the date the application for that license is submitted to the  
26 board.

27 **10. Notification of a Change in Name, Residence Address, Mailing Address or  
Employment**

28 Respondent shall notify the board in writing within ten (10) days of any change of

1 employment. Said notification shall include the reasons for leaving, the address of the new  
2 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
3 shall further notify the board in writing within ten (10) days of a change in name, residence  
4 address and mailing address, or phone number.

5 Failure to timely notify the board of any change in employer(s), name(s), address(es), or  
6 phone number(s) shall be considered a violation of probation.

7 **11. Tolling of Probation**

8 Except during periods of suspension, respondent shall, at all times while on probation, be  
9 employed as a pharmacy technician in California for a minimum of 40 hours per calendar month.  
10 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
11 period of probation shall be extended by one month for each month during which this minimum is  
12 not met. During any such period of tolling of probation, Respondent must nonetheless comply  
13 with all terms and conditions of probation.

14 Should Respondent, regardless of residency, for any reason (including vacation) cease  
15 working as a pharmacy technician for a minimum of 40 hours per calendar month in California,  
16 Respondent must notify the board in writing within ten (10) days of cessation of work and must  
17 further notify the board in writing within ten (10) days of the resumption of the work. Any failure  
18 to provide such notification(s) shall be considered a violation of probation.

19 It is a violation of probation for Respondent's probation to remain tolled pursuant to the  
20 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
21 exceeding thirty-six (36) months.

22 "Cessation of work" means calendar month during which respondent is not  
23 working for at least 40 hours as a pharmacy technician, as defined in Business and  
24 Professions Code section 4115. "Resumption of work" means any calendar month  
25 during which respondent is working as a pharmacy technician for at least 40 hours as  
26 a pharmacy technician as defined by Business and Professions Code section 4115.

27 **12. Violation of Probation**

28 If Respondent has not complied with any term or condition of probation, the board shall

1 have continuing jurisdiction over Respondent, and probation shall automatically be extended,  
2 until all terms and conditions have been satisfied or the board has taken other action as deemed  
3 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
4 to impose the penalty that was stayed.

5 If Respondent violates probation in any respect, the board, after giving respondent notice  
6 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
7 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
8 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If  
9 a petition to revoke probation or an accusation is filed against respondent during probation, the  
10 board shall have continuing jurisdiction, and the period of probation shall be automatically  
11 extended until the petition to revoke probation or accusation is heard and decided.

12 **13. Completion of Probation**

13 Upon written notice by the board indicating successful completion of probation,  
14 Respondent's pharmacy technician license will be fully restored.

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
17 discussed it with my attorney, Hamid Soleimanian. I understand the stipulation and the effect it  
18 will have on my Application for Pharmacy Technician Registration. I enter into this Stipulated  
19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
20 bound by the Decision and Order of the Board of Pharmacy.

21  
22 DATED: \_\_\_\_\_

SARA SHADAB  
Respondent

23  
24 ///

25 ///

26 ///

27

28



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 2 until all terms and conditions have been satisfied or the board has taken other action as deemed  
 3 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
 4 to impose the penalty that was stayed.

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 18 will have on my Application for Pharmacy Technician Registration. I enter into this Stipulated  
 19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
 20 bound by the Decision and Order of the Board of Pharmacy.

21  
 22 DATED: 12/3/12

Sara Shadab  
 SARA SHADAB  
 Respondent

23  
 24 ///

25 ///


26 ///

27

28

1 I have read and fully discussed with Respondent Sara Shadab the terms and conditions and  
2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its  
3 form and content.

4  
5 DATED: 10/05/12

  
6 Hamid Soleimantian  
7 Attorney for Respondent

8 ENDORSEMENT

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

11 Dated:

12 Respectfully submitted,

13 KAMALA D. HARRIS  
14 Attorney General of California  
15 KAREN B. CHAPPELLE  
16 Supervising Deputy Attorney General

17 SYDNEY M. MEHRINGER  
18 Deputy Attorney General  
19 *Attorneys for Complainant*

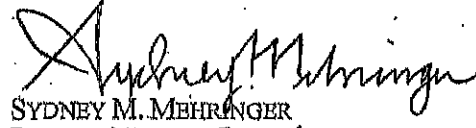
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1 I have read and fully discussed with Respondent Sara Shadab the terms and conditions and  
2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its  
3 form and content.

4  
5 DATED: \_\_\_\_\_  
6 Hamid Soleimanian  
7 Attorney for Respondent

8 **ENDORSEMENT**

9 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
10 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

11 Dated: *December 6, 2012* Respectfully submitted,  
12  
13 KAMALA D. HARRIS  
14 Attorney General of California  
15 KAREN B. CHAPPELLE  
16 Supervising Deputy Attorney General  
17   
18 SYDNEY M. MEHRINGER  
19 Deputy Attorney General  
20 *Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 4378**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 SYDNEY M. MEHRINGER  
Deputy Attorney General  
4 State Bar No. 245282  
300 So. Spring Street, Suite 1702  
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**

11 In the Matter of the Statement of Issues  
Against:

Case No. 4378

12 **SARA SHADAB**

**STATEMENT OF ISSUES**

13 Applicant for Pharmacy Technician  
14 Registration.

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold ("Complainant") brings this Statement of Issues 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 October 3, 2011, the Board received an application for registration as a  
23 Pharmacy Technician from Sara Shadab ("Respondent"). On or about August 12, 2011,  
24 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application. The Board denied the application on June 15, 2012.

26 **JURISDICTION**

27 3. This Statement of Issues is brought before the Board, under the authority of the  
28 following laws. All section references are to the Business and Professions Code ("Code") unless

1 otherwise indicated.

2 STATUTORY PROVISIONS

3 4. Code section 480 states, in pertinent part:

4 "(a) A board may deny a license regulated by this code on the grounds that the applicant  
5 has one of the following:

6 "(1) Been convicted of a crime. A conviction within the meaning of this section means a  
7 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a  
8 board is permitted to take following the establishment of a conviction may be taken when the  
9 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when  
10 an order granting probation is made suspending the imposition of sentence, irrespective of a  
11 subsequent order under the provisions of Section 1203.4 of the Penal Code.

12 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially  
13 benefit himself or herself or another, or substantially injure another.

14 "(3) (A) Done any act that if done by a licensee of the business or profession in question,  
15 would be grounds for suspension or revocation of license.

16 (B) The board may deny a license pursuant to this subdivision only if the crime or act  
17 is substantially related to the qualifications, functions, or duties of the business or profession for  
18 which application is made.

19  
20 "(c) A board may deny a license regulated by this code on the ground that the applicant  
21 knowingly made a false statement of fact required to be revealed in the application for the  
22 license."

23 5. Code section 490 states, in pertinent part:

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

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

5           (c) A conviction within the meaning of this section means a plea or verdict of guilty or a  
6 conviction following a plea of nolo contendere. Any action that a board is permitted to take  
7 following the establishment of a conviction may be taken when the time for appeal has elapsed, or  
8 the judgment of conviction has been affirmed on appeal, or when an order granting probation is  
9 made suspending the imposition of sentence, irrespective of a subsequent order under the  
10 provisions of Section 1203.4 of the Penal Code."

11           6. Code section 4300 states, in pertinent part:

12           "That every license issued by the Boards is subject to discipline, including suspension or  
13 revocation."

14           7. Code section 4301 states, in pertinent part:

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

18           .....  
19           "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or  
20 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and  
21 whether the act is a felony or misdemeanor or not.

22           "(g) Knowingly making or signing any certificate or other document that falsely  
23 represents the existence or nonexistence of a state of facts.

24           .....  
25           "(l) The conviction of a crime substantially related to the qualifications, functions, and  
26 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
27 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
28 substances or of a violation of the statutes of this state regulating controlled substances or

1 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
2 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
3 The board may inquire into the circumstances surrounding the commission of the crime, in order  
4 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
5 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
6 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
7 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
8 of this provision. The board may take action when the time for appeal has elapsed, or the  
9 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
10 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
11 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
12 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
13 indictment.

14 . . . .  
15 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
16 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
17 federal and state laws and regulations governing pharmacy, including regulations established by  
18 the board or by any other state or federal regulatory agency.

19 "(p) Actions or conduct that would have warranted denial of a license."

#### 20 REGULATORY PROVISIONS

21 8. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

28 ///





1 application, Respondent answered "no" in response to the question, "Have you ever been  
2 convicted of or pled no contest to a violation of the law of a foreign country, the United States or  
3 any state laws or local ordinances?" In addition, Respondent signed the application under penalty  
4 of perjury under the laws of the State of California, thereby certifying that her responses to the  
5 questions on her application for licensure were true and correct. Complainant refers to, and by  
6 this reference incorporates, the allegations set forth in paragraph 9 above, subparagraph (a),  
7 inclusive, as though fully set forth herein.

#### 8 FOURTH CAUSE FOR DENIAL OF APPLICATION

##### 9 (Acts Warranting Denial of Licensure)

10 12. Respondent's application is subject to denial under sections 480, subdivisions  
11 (a)(3)(A) and (a)(3)(B), and section 4301, subdivision (p), in that Respondent committed a crime  
12 and acts which if done by a licensee would be grounds for suspension or revocation of her  
13 license, as follows:

14 a. Respondent was convicted of a crime substantially related to the qualifications,  
15 functions, or duties of a pharmacy technician which to a substantial degree evidences her present  
16 or potential unfitness to perform the functions authorized by her license in a manner consistent  
17 with the public health, safety, or welfare, in violation of sections 490, and 4301, subdivision (l),  
18 in conjunction with California Code of Regulations, title 16, section 1770. Complainant refers to,  
19 and by this reference incorporates, the allegations set forth in paragraph 9 above, subparagraph  
20 (a), inclusive, as though fully set forth herein.

21 b. Respondent committed a dishonest, fraudulent, or deceitful act with the intent to  
22 substantially benefit herself in violation of section 480, subdivision (a)(2). Complainant refers to,  
23 and by this reference incorporates, the allegations set forth in paragraph 9 above, subparagraph  
24 (a), inclusive, as though fully set forth herein.

25 c. Respondent made a false statement of fact or information in connection with her  
26 application for issuance of a license, in violation of section 480, subdivision (c). Complainant  
27 refers to, and by this reference incorporates, the allegations set forth in paragraph 9 above,  
28 subparagraph (a), inclusive, as though fully set forth herein.

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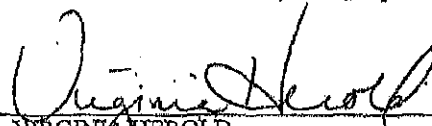
PRAYER

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

1. Denying the application of Sara Shadab for Registration as a Pharmacy Technician;
- and
2. Taking such other and further action as deemed necessary and proper.

DATED:

11/2/12



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

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