

1  
2  
3  
4  
5  
6  
7  
8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 5692

13 **ZAID FALAH NAOOM**  
14 **2286 Crystal Clear Drive**  
15 **Spring Valley, CA 91978**  
16 **Pharmacy Technician Registration No. TCH**  
17 **129883**

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

18 Respondent.

19  
20 **FINDINGS OF FACT**

21 1. On or about February 20, 2016, Complainant Virginia K. Herold, in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
23 filed Accusation No. 5692 against Zaid Falah Naoom (Respondent) before the Board of  
24 Pharmacy. (Accusation attached as **Exhibit A.**)

25 2. On or about April 4, 2013, the Board of Pharmacy (Board) issued Pharmacy  
26 Technician Registration No. TCH 129883 to Respondent. The Pharmacy Technician Registration  
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 5692  
28 and will expire on February 28, 2017, unless renewed.

1           3.     On or about March 17, 2016, Respondent was served by Certified Mail and First  
2 Class Mail copies of the Accusation, No. 5692, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
5 Code section 4100, is required to be reported and maintained with the Board. Respondent's  
6 address of record was and is:

7     2286 Crystal Clear Drive  
8     Spring Valley, CA 91978.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.     Government Code section 11506(c) states, in pertinent part:

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

18           6.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
19 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
20 5692.

21           7.     California Government Code section 11520(a) states, in pertinent part:

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

26           8.     Pursuant to its authority under Government Code section 11520, the Board finds  
27 Respondent is in default. The Board will take action without further hearing and, based on the  
28 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
taking official notice of all the investigatory reports, exhibits and statements contained therein on  
file at the Board's offices regarding the allegations contained in Accusation No. 5692, finds that

1 the charges and allegations in Accusation No. 5692, are separately and severally, found to be true  
2 and correct by clear and convincing evidence.

3 9. Taking official notice of its own internal records, pursuant to Business and  
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
5 and Enforcement is \$ 2,077.50 as of May 18, 2016.

6 DETERMINATION OF ISSUES

7 1. Based on the foregoing findings of fact, Respondent Zaid Falah Naoom has subjected  
8 his Pharmacy Technician Registration No. TCH 129883 to discipline.

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

10 3. Under Business and Professions Code sections 4300 and 4301, and Title 16 of the  
11 California Code of Regulations, sections 1769 and 1770, the Board of Pharmacy is authorized to  
12 revoke Respondent's Pharmacy Technician Registration based on the following violations alleged

13 in the Accusation which are supported by the evidence contained in the Default Decision  
14 Evidence Packet in this case:

15 a. **(July 2, 2015 Criminal Conviction for Hit and Run with Death on June 21, 2014)**

16 Respondent has subjected his Pharmacy Technician Registration to disciplinary action  
17 under Code section 4301, subdivision (l) in that he was convicted of a crime that is substantially  
18 related to the qualifications, functions, and duties of a registered pharmacy technician. The  
19 circumstances are as follows:

20 On July 2, 2015, in a criminal proceeding entitled *The People of the State of California v.*  
21 *Zaid Naoom*, in the San Diego County Superior Court, Central Division, Case Number  
22 CD262026, Respondent was convicted on his plea of guilty of violating Vehicle Code (VC)  
23 section 20001, subdivision (b)(2), hit and run with death, a felony.

24 As a result of his conviction, on August 19, 2015, Respondent was sentenced to be  
25 committed to the custody of the San Diego County Sheriff for 365 days, with credit for three  
26 days actually served and two days for good behavior, the balance of which was stayed pending  
27 successful completion of probation. Respondent was granted three years formal probation subject  
28 to certain terms and conditions until August 18, 2018. Respondent was ordered to pay fines,

1 assessments, fees, and a contribution to the restitution fund. Respondent was also ordered to  
2 perform 15 days of public service and grant the victim's family three hours of restorative justice  
3 meetings, if requested.

4 The facts that led to the conviction are that on or about June 21, 2014, Respondent was  
5 driving northbound on Nimitz Boulevard in San Diego, California. While Respondent was  
6 approaching the intersection of Sunset Cliffs Boulevard and the interstate I-8 freeway entrance  
7 ramp, a woman on a skateboard was diagonally crossing Nimitz Boulevard from the west side to  
8 the east side. Respondent's vehicle struck the woman as her skateboard was crossing his path in  
9 the second lane. Respondent fled the scene of the collision.

10 The next morning, a passenger in a car saw a female lying on the side of the road in the  
11 ice plant. The driver stopped the car, both exited to investigate, then called 911. San Diego  
12 Police Department officers and San Diego Fire Department personnel responded to the scene and  
13 confirmed the death without intervention due to obvious trauma from an apparent hit and run.  
14 The Office of the Medical Examiner invoked jurisdiction under California Government Code  
15 section 27491. A couple days later, Respondent surrendered to the police. In May 2015,  
16 Respondent was arrested for the hit and run.

17 **b. (Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

18 Respondent has subjected his Pharmacy Technician Registration to disciplinary action  
19 under Code section 4301, subdivision (f), in that on June 21, 2014, Respondent unlawfully failed  
20 to render to the person struck by his vehicle reasonable assistance, including transporting the  
21 injured person to a physician, surgeon, or hospital for medical or surgical treatment, an act in  
22 violation of VC section 20003, involving moral turpitude, dishonesty, fraud, or deceit.

23 **c. (Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

24 Respondent has subjected his Pharmacy Technician Registration to disciplinary action  
25 under Code section 4301, subdivision (f), in that on June 21, 2014, Respondent failed to report,  
26 without delay, the accident to the nearest office of the Department of the California Highway  
27 Patrol or office of a duly authorized police authority and submit with the report the information  
28

1 required by VC section 20003, in violation of VC section 20004, which are acts of omission  
2 involving moral turpitude, dishonesty, fraud, or deceit.

3 **d. (Conduct That Would Have Warranted Denial of a License)**

4 Respondent subjected his Pharmacy Technician Registration to discipline under Code  
5 section 4301, subdivision (p), in that Respondent was convicted of a felony, conduct that would  
6 have warranted the denial of a pharmacy technician registration under Code section 480,  
7 subdivision (a)(1), as detailed in paragraph 11, above.

8  
9 **ORDER**

10 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 129883, heretofore  
11 issued to Respondent Zaid Falah Naom, is revoked.

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

16 This Decision shall become effective at 5:00 p.m. on July 28, 2016.

17 It is so ORDERED on June 28, 2016.

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

21 

22  
23 By

24 Amy Gutierrez, Pharm.D.  
25 Board President

26 81348349.DOC  
DOJ Matter ID: SD2015803198

27 Attachment:  
28 Exhibit A: Accusation

# Exhibit A

Accusation

(ZAID FALAH NAOOM)

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
600 West Broadway, Suite 1800  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
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. 5692

13 **ZAID FALAH NAOOM**  
2286 Crystal Clear Drive  
14 Spring Valley, CA 91978

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

15 **Pharmacy Technician Registration No. TCH**  
129883

16  
17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

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

23 2. On April 4, 2013, the Board of Pharmacy (Board) issued Pharmacy Technician  
24 Registration Number TCH 129883 to Zaid Falah Naoom (Respondent). Respondent has also  
25 been known as Zaid Naoom. The Pharmacy Technician Registration was in full force and effect  
26 at all times relevant to the charges brought herein and will expire on February 28, 2017, unless  
27 renewed.

28 ///

## JURISDICTION

3. This Accusation is brought before the 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 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of 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:

....

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

....

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



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

10 . . . .

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

12 . . . .

### 13 REGULATORY PROVISIONS

14 8. Title 16 of the California Code of Regulations (CCR), section 1769, states:

15 . . . .

16 (b) When considering the suspension or revocation of a facility or a  
17 personal license on the ground that the licensee or the registrant has been  
18 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:

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

20 (2) Total criminal record.

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

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

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

24 9. CCR, section 1770, states:

25 For the purpose of denial, suspension, or revocation of a personal or  
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
27 Business and Professions Code, a crime or act shall be considered substantially  
28 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

///

1 registrant to perform the functions authorized by his license or registration in a  
2 manner consistent with the public health, safety, or welfare.

### 3 COST RECOVERY

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

### 10 FIRST CAUSE FOR DISCIPLINE

11 (July 2, 2015 Criminal Conviction for Hit and Run with Death on June 21, 2014)

12 11. Respondent has subjected his Pharmacy Technician Registration to disciplinary  
13 action under Code section 4301, subdivision (l) in that he was convicted of a crime that is  
14 substantially related to the qualifications, functions, and duties of a registered pharmacy  
15 technician. The circumstances are as follows:

16 a. On July 2, 2015, in a criminal proceeding entitled *The People of the State*  
17 *of California v. Zaid Naoom*, in the San Diego County Superior Court, Central Division, Case  
18 Number CD262026, Respondent was convicted on his plea of guilty of violating Vehicle Code  
19 (VC) section 20001, subdivision (b)(2), hit and run with death, a felony.

20 b. As a result of his conviction, on August 19, 2015, Respondent was  
21 sentenced to be committed to the custody of the San Diego County Sheriff for 365 days, with  
22 credit for three days actually served and two days for good behavior, the balance of which was  
23 stayed pending successful completion of probation. Respondent was granted three years formal  
24 probation subject to certain terms and conditions until August 18, 2018. Respondent was ordered  
25 to pay fines, assessments, fees, and a contribution to the restitution fund. Respondent was also  
26 ordered to perform 15 days of public service and grant the victim's family three hours of  
27 restorative justice meetings, if requested.

28 ///

1 c. The facts that led to the conviction are that on or about June 21, 2014,  
2 Respondent was driving northbound on Nimitz Boulevard in San Diego, California. While  
3 Respondent was approaching the intersection of Sunset Cliffs Boulevard and the interstate I-8  
4 freeway entrance ramp, a woman on skateboard was diagonally crossing Nimitz Boulevard from  
5 the west side to the east side. Respondent's vehicle struck the woman as her skateboard was  
6 crossing his path in the second lane. Respondent fled the scene of the collision.

7 d. The next morning, a passenger in a car saw a female lying on the side of  
8 the road in the ice plant. The driver stopped the car, both exited to investigate, then called 911.  
9 San Diego Police Department officers and San Diego Fire Department personnel responded to  
10 the scene and confirmed the death without intervention due to obvious trauma from an apparent  
11 hit and run. The Office of the Medical Examiner invoked jurisdiction under California  
12 Government Code section 27491. A couple days later, Respondent surrendered to the police. In  
13 May 2015, Respondent was arrested for the hit and run.

#### 14 **SECOND CAUSE FOR DISCIPLINE**

##### 15 **(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

16 12. Respondent has subjected his Pharmacy Technician Registration to disciplinary  
17 action under Code section 4301, subdivision (f), in that on June 21, 2014, Respondent unlawfully  
18 failed to render to the person struck by his vehicle reasonable assistance, including transporting  
19 the injured person to a physician, surgeon, or hospital for medical or surgical treatment, an act in  
20 violation of VC section 20003, involving moral turpitude, dishonesty, fraud, or deceit.

#### 21 **THIRD CAUSE FOR DISCIPLINE**

##### 22 **(Commission of Acts Involving Moral Turpitude, Dishonesty, Fraud, or Deceit)**

23 13. Respondent has subjected his Pharmacy Technician Registration to disciplinary  
24 action under Code section 4301, subdivision (f), in that on June 21, 2014, Respondent failed to  
25 report, without delay, the accident to the nearest office of the Department of the California  
26 Highway Patrol or office of a duly authorized police authority and submit with the report the  
27 information required by VC section 20003, in violation of VC section 20004, which are acts of  
28 omission involving moral turpitude, dishonesty, fraud, or deceit.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Conduct That Would Have Warranted Denial of a License)**

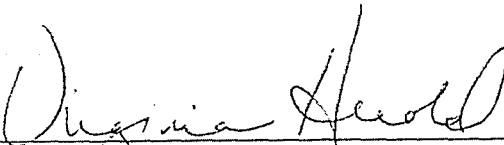
3 14. Respondent subjected his Pharmacy Technician Registration to discipline under  
4 Code section 4301, subdivision (p), in that Respondent was convicted of a felony, conduct that  
5 would have warranted the denial of a pharmacy technician registration under Code section 480,  
6 subdivision (a)(1), as detailed in paragraph 11, above.

7 **PRAYER**

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

- 10 1. Revoking or suspending Pharmacy Technician Registration Number TCH  
11 129883, issued to Zaid Falah Naom;
- 12 2. Ordering Zaid Falah Naom to pay the Board of Pharmacy the reasonable costs of  
13 the investigation and enforcement of this case, pursuant to Business and Professions Code  
14 section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.
- 16  
17  
18

19 DATED: 2/20/16



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

20  
21  
22  
23 SD2015803198  
81237887.doc