

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

In the Matter of the Accusation  
Against:

SHAHRIAR ZARTOSHTI,

Pharmacist License  
No. RPH 66143

Respondents.

Case No. 5779

OAH No. 2016080634

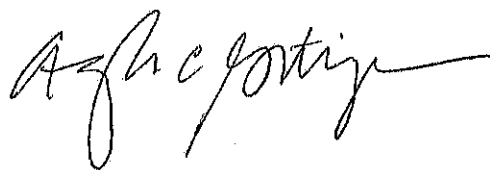
**DECISION AND ORDER**

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on May 10, 2017.

It is so ORDERED on April 10, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

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STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

SHAHRIAR ZARTOSHTI,

Pharmacist License  
No. RPH 66143

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**PROPOSED DECISION**

Ji-Lan Zang, Administrative Law Judge, Office of Administrative Hearings, State of California heard this matter on February 16, 2017, in Los Angeles, California.

Emily Wada, Deputy Attorney General, represented Virginia Herold (complainant), Executive Officer, Board of Pharmacy (Board), Department of Consumer Affairs.

Catherine J. Swysen, Attorney at Law, represented Shahriar Zartoshti (respondent).

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on February 16, 2017.

**FACTUAL FINDINGS**

1. On September 21, 2011, the Board issued Original Pharmacist License Number RPH 66143 (license) to respondent. Respondent's license was in full force and effect at all times relevant herein and will expire on September 30, 2017, unless renewed.

2. On June 10, 2016, complainant filed the Accusation in her official capacity. Respondent timely filed a Notice of Defense and a Request for Hearing on July 21, 2016. Thereafter, this hearing ensued.

3. On August 11, 2015, respondent was convicted on his plea of nolo contendere to violating Penal Code section 415, subdivision (2),<sup>1</sup> disturbing the public peace, a misdemeanor. (Superior Court of California, Santa Barbara County, case number 1481436.)

4. A. The facts and circumstances surrounding respondent's conviction are as follows: On June 9, 2015, respondent purchased several novelty knives as gifts for his father. He and his father collect novelty knives which feature handles made in the shapes of snakes, dragons, or other novelty items. That night, respondent stayed as a guest in a hotel in the City of Solvang. His suite was on ground floor and had a large patio which faced a spa and pool area. Respondent sat at a table on the patio and began to examine the novelty knives he bought earlier in the day. Among his purchases was a novelty knife with a blade that extended into a replica revolver. Respondent held this knife in his hand to inspect it. Respondent did not believe that anyone could see him while he was on the patio because it is separated from the spa and pool area by a five-foot tall wrought iron fence as well as some vegetation. Nevertheless, two witnesses in the spa and pool area saw respondent with the novelty knife in his hand and thought that he was pointing a gun at them. They reported the incident to the Santa Barbara County Sherriff's Department.

B. After respondent finished inspecting the novelty knives, he wrapped them up in towels, placed them in a duffle bag, and went back inside his room. Before going to sleep, he took some prescription medication, which he had packed in an Advil bottle and a prescription drug bottle. At approximately 11 p.m., the arresting officers from the Santa Barbara County Sherriff's Department arrived on the scene. The sheriff's deputies called respondent and asked to speak to him in the hallway. As soon as respondent opened the door to his room, the officers ordered him to the ground. Respondent immediately complied and gave the officers permission to search his person as well as his room. After a sweep of respondent's hotel room, the sheriff's deputies found the novelty knives in the duffle bag and confirmed that the revolver was a non-operational replica. Respondent explained to the officers that the knives were purchased as gifts for his father and that he was examining them on the patio.

C. As the sheriff's deputies continued to search the room for a handgun, they found the Advil and prescription drug bottles which contained 12 different types of prescription medication, including Adderall and various pain medications. Each medication found in respondent's possession is categorized as a dangerous drug pursuant to Business and Professions Codes section 4022, and some of the medications are classified as Schedule II controlled substance pursuant to Health and Safety Code section 11055, subdivisions (b)(1)(I), (b)(1)(L), (b)(1)(M), and (d)(1). The officers arrested respondent for being under the influence of controlled substances and transported him to Santa Barbara County Jail. At the jail, respondent refused to provide a urine sample, stating to the officer, "No. I already told you, I take prescribed medication." (Ex. 4, p. 5.)

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<sup>1</sup> Penal Code section 415, subdivision (2) provides that "[a]ny person who maliciously and willfully disturbs another person by loud and unreasonable noise" is guilty of disturbing the public peace.

D. At the administrative hearing, respondent presented a valid prescription for each medication that was found in his room. Respondent explained that he was using the medications to treat Attention Deficit Hyperactivity Disorder (ADHD) and recurrent pain from various sports injuries. He did not have the prescriptions with him on the night of his arrest because he was on a three-day trip to Solvang and had consolidated a three-day supply of his medications into the Advil and the prescription drug bottles. Respondent testified in an open, candid manner regarding the incident which led to his arrest. His testimony was credible and consistent with the contents of the arrest report.

5. A. For his conviction of disturbing the public peace, imposition of sentence was suspended, and respondent was placed on summary probation for one year under terms and conditions, including performance of 50 hours of community service, payment of \$476 in fines, assessments, and restitution.

B. Respondent completed the 50 hours of community service, and he has paid all of the fines, assessments, and restitution. Respondent's probation ended in August 2016, but his conviction has not been dismissed pursuant to Penal Code section 1203.4.

6. At the administrative hearing, Board Inspector William Craig Jeffers testified regarding the qualifications, functions, and duties of a pharmacist. Mr. Jeffers has been a Board inspector for the past two and a half years. Previous to his employment with the Board, he worked as a dispensing pharmacist. Mr. Jeffers explained that the duties of a pharmacist include filling prescriptions, consulting with patients about medication, and protecting patients from incorrect dosing. Specifically, a pharmacist must ensure that prescriptions are valid and that medications are not diverted or misused. Therefore, honesty, integrity, and good judgment are important character traits for a pharmacist.

7. At the administrative hearing, Gerald M. Baltz, testified on behalf of respondent. Mr. Baltz is a board certified Psychiatric and Mental Health Nurse Practitioner at Insight Choices, an outpatient counseling and mental health clinic. Mr. Baltz confirmed that respondent has been a patient at Insight Choices since 2013, when he was diagnosed with ADHD. For treatment of respondent's ADHD, Margaret McIlroy, another nurse practitioner at Insight Choices, had prescribed Adderall in 2015. Before testifying at the administrative hearing, Mr. Baltz had examined respondent's medical records at Insight Choices, and he found no indication that respondent was abusing the drug. Additionally, on November 14, 2016, Mr. Baltz conducted a urine drug screen of respondent, which was negative for all substances except for Adderall. Mr. Baltz submitted a November 16, 2016 letter which was consistent with his testimony at the administrative hearing.

8. A. At the administrative hearing, Athanasia Nancy Kakoyannis, D.O., also testified on behalf of respondent. Dr. Kakoyannis is a doctor of osteopathic medicine at Venice Family Clinic, where respondent has been a patient since May 2016. Dr. Kakoyannis diagnosed respondent with degenerative disc disease. Specifically, respondent suffers from disc herniation in the cervical spine and thoracic lumbar spine, due to injuries from ski and surfing accidents. Dr. Kakoyannis verified that, in the past, respondent was prescribed

various opiate medications for pain management. However, respondent is no longer using any opioid medication because she is performing hands-on osteopathic manipulation on a weekly basis to treat his pain. Dr. Kakoyannis has conducted two urine drug screens of respondent, the first in November 2016 and the second just two days prior to the date of the administrative hearing. Results of both drug screens were negative for drugs and other controlled substances.

B. Moreover, Dr. Kakoyannis expressed confidence that respondent is not misusing any prescription medication because she had examined his Controlled Substance Utilization Review and Evaluation System (CURES) report. CURES is an electronic database that stores controlled substance prescription information and is available to prescribing physicians for patient care purposes. A CURES report contains information including patient name, prescriber name, pharmacy name, date prescription was dispensed, prescription number, drug name, drug quantity and strength, and number of refills remaining. From her review of respondent's CURES report, Dr. Kakoyannis found that respondent has not obtained any opioid drugs since July 2016. Based on her review of respondent's CURES report, Dr. Kakoyannis concluded that respondent did not have a problem with prescription drugs and that he would be able to practice safely as a pharmacist.

C. Dr. Kakoyannis submitted a November 8, 2016 letter which was consistent with her testimony at the administrative hearing.

9. Respondent is a 33-year-old man. He graduated from the University of California at Berkeley in 2005 and from the pharmacy school at the Western University of Health Services in 2011. Respondent served as a pharmacy intern at CVS Pharmacy for two years before becoming employed by Ralphs Pharmacy in May 2015. In addition to his current position as a pharmacist at Ralphs Pharmacy, respondent volunteers at Shalom Pharmacy, where the chief pharmacist is mentoring him to enable him to open his own pharmacy. Respondent explained that, in his childhood, a pharmacist had helped his father recover from a heart attack. Since that time, it has been his dream to become a pharmacist and to own a pharmacy.

10. Complainant submitted evidence of the costs of investigation and enforcement of this matter, summarized as follows: 28.5 hours of legal services at a rate of \$170 per hour for total costs claimed of \$4,845. These costs are reasonable.

## LEGAL CONCLUSIONS

1. The standard of proof for the Board to prevail on the Accusation is clear and convincing evidence to a reasonable certainty. (See *Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853.) Clear and convincing evidence requires proof that is so clear as to leave no substantial doubt and that is sufficiently strong to command the unhesitating assent of every reasonable mind. (*In re Marriage of Weaver* (1990) 224 Cal.App.3d 478, 487.)

2. Business and Professions Code section 4301, in pertinent part, provides:

The Board shall take action against any holder of a license who is guilty of unprofessional conduct .... Unprofessional conduct shall include, but is not limited to, any of the following:

[¶] ... [¶]

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

[¶] ... [¶]

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

[¶] ... [¶]

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee.

3. California Code of Regulations, title 16, section 1770 provides that “a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.”

4. It is not necessary for the conduct forming the basis for discipline to occur in the actual practice of the profession. (*Griffiths v. Superior Court* (2002) 96 Cal.App.4th 757, 779.) However, no occupational license can be disciplined based on a criminal conviction or other conduct unless the crime or conduct is substantially related to the qualifications, functions, or duties of the profession in question. (*Harrington v. Department of Real Estate* (1989) 214 Cal.App.3d 394, 402.)

5. The crime of disturbing the public peace, defined as “maliciously and willfully disturb[ing] another person by loud and unreasonable noise,” is the only crime for which respondent was convicted. (Pen. Code, § 415(2).) It is not substantially related to the functions duties and qualifications of a pharmacist. Nevertheless, administrative agencies and courts may look to the individual facts and circumstances surrounding a criminal conviction and the presence of aggravating and/or mitigating factors to determine whether

license discipline is appropriate. (See *Matanky v. Board of Medical Examiners* (1978) 79 Cal.App.3d 293, 302).

6. In *Morrison v. State Board of Education* (1969) 1 Cal.3d 214, the Supreme Court held that conduct cannot be grounds for imposing discipline on a license unless the conduct demonstrates that the licensee “is unfit to perform the duties” required of someone holding that license. In *Sulla v. Board of Registered Nursing* (2012) 205 Cal.App.4th 1195, 1201, the appellate court stated, “Unprofessional conduct that is used as a basis for revoking or suspending a professional license must demonstrate an unfitness to practice that profession if the disciplinary action is to comport with due process.” Here, respondent’s conduct underlying his conviction consists of him (1) examining some novelty knives in the privacy of his own hotel suite patio, and (2) possessing medications for which he had valid prescriptions. This conduct does not involve dishonesty, lack of integrity, poor judgment or other qualities that demonstrate professional unfitness meriting license discipline. Respondent’s conviction and the facts and circumstances surrounding his conviction do not show that he is unfit to be a pharmacist.

7. Based on Factual Findings 1 through 6 and Legal Conclusions 1 through 6, cause does not exist to suspend or revoke respondent’s license as a pharmacist pursuant to Business and Professions Code sections 4300 and 4301, subdivision (l), in conjunction with California Code of Regulations, title 16, section 1770. Respondent’s conviction is not substantially related to the qualifications, functions, or duties of a pharmacist, and the facts and circumstances surrounding his conviction do not demonstrate his potential unfitness to perform the functions authorized by his license in a manner consistent with public health, safety, or welfare.

8. Based on Factual Findings 1, 2, 4C, 4D, 7, and 8 and Legal Conclusions 1 and 2, cause does not exist to suspend or revoke respondent’s license as a pharmacist pursuant to Business and Professions Code sections 4300 and 4301, subdivision (h). It was not established that respondent had administered controlled substances to himself to the extent or in manner to be dangerous or injurious to himself or others. Respondent was taking prescription medications for medically diagnosed conditions, as the testimonies of Mr. Baltz and Dr. Kakoyannis confirmed. Complainant offered no evidence that respondent was using these medications in contravention of their prescribed uses. During closing argument, complainant contended that respondent had refused to provide a urine sample after his arrest and therefore the quantity of the medication that he took is unknown. However, respondent was under no obligation to undergo the urine test, given that he had a valid prescription for each medication which he possessed. The argument that a urine test *may* have indicated an overdose is purely speculative and is therefore rejected.

9. Based on Factual Findings 1, 2, 4C, 4D, 7, and 8 and Legal Conclusions 1 and 2, cause does not exist to suspend or revoke respondent’s license as a pharmacist pursuant to Business and Professions Code sections 4300 and 4301, subdivision (j). It was not established that respondent had violated any statute regulating controlled substances and dangerous drugs. Although all of the medications found in respondent’s possession are

categorized as a dangerous drug pursuant to Business and Professions Codes section 4022, respondent had a valid prescription for each medication in his possession.

10. The purpose of these proceedings is to protect the public, not to punish an errant licensee. (*Camacho v. Youde* (1979) 95 Cal.App.3d 161, 164.) In this case, Dr. Kakoyannis, who had reviewed his CURES report, opined that respondent did not have a problem with prescription drugs and that he would be able to practice safely as a pharmacist. As respondent's treating physician, her opinion is given significant weight. In sum, there is insufficient evidence to establish that respondent's continued licensure as a pharmacist would endanger public health, safety, or welfare.

11. Under Business and Professions Code section 125.3, the Board may recover costs "not to exceed the reasonable costs of the investigation and enforcement" of this matter. Given the nature of the order below, however, no costs are awarded.

### ORDER

The Accusation is dismissed.

DATED: March 13, 2017

DocuSigned by:  
*Ji-Lan Zang*  
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Ji-LAN ZANG  
Administrative Law Judge  
Office of Administrative Hearings



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

11 In the Matter of the Accusation Against:  
12 **SHAHRIAR ZARTOSHTI**  
13 **1101 Ocean Front Walk, #21**  
**Venice, CA 90291**  
14 **Pharmacist License No. RPH 66143**  
15 Respondent.

Case No. 5779

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

17 Complainant alleges:

18 **PARTIES**

- 19 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as  
20 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
21 2. On or about September 21, 2011, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 66143 to Shahriar Zartoshti (Respondent). The Pharmacist License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on September 30,  
24 2017, unless renewed.

25 **JURISDICTION**

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



1 of this provision. The board may take action when the time for appeal has elapsed, or the  
2 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
3 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
4 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
5 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
6 indictment. . . .”

7 **REGULATORY PROVISIONS**

8 6. California Code of Regulations, title 16, section 1770, states:

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

15 7. Section 4060 of the Code states:

16 “No person shall possess any controlled substance, except that furnished to a person upon  
17 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
18 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified  
19 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a  
20 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,  
21 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of  
22 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not apply  
23 to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,  
24 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified  
25 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly  
26 labeled with the name and address of the supplier or producer.

27

28

1 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a physician  
2 assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and  
3 devices."

#### 4 COST RECOVERY

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

#### 11 DRUG CLASSIFICATIONS

12 9. Adderall is a Scheduled II controlled substance as defined in Health and Safety Code  
13 section 11055(d)(1) and is categorized as a dangerous drug pursuant to Business and Professions  
14 Code section 4022.

15 10. Amphetamine is a Scheduled II controlled substance as defined in Health and Safety  
16 Code section 11055(d)(1) and is categorized as a dangerous drug pursuant to Business and  
17 Professions Code section 4022.

18 11. Dextroamphetamine is used in the brand name drugs Dexedrine and Adderall. It is a  
19 Schedule II controlled substance as designated in Health and Safety Code section 11055 (d)(1),  
20 and a dangerous drug pursuant to section 4022.

21 12. Escitalopram is a dangerous drug pursuant to Business & Professions Code section  
22 4022.

23 13. Finasteride is a dangerous drug pursuant to Business & Professions Code section  
24 4022.

25 14. Hydrochlorothiazide is a dangerous drug pursuant to Business & Professions Code  
26 section 4022.

27 15. Hydrocodone is a Schedule II controlled narcotic substance pursuant to Health and  
28 Safety Code section 11055(b)(1)(I) and a dangerous drug pursuant to Business and Professions

1 Code section 4022. Preparations containing hydrocodone in combination with other non-narcotic  
2 medicinal ingredients are in Schedule III.

3 16. Lyrica is a dangerous drug pursuant to Business & Professions Code section 4022.

4 17. Morphine/Morphine Sulfate, a narcotic substance, is a Schedule II controlled  
5 substance pursuant to Health and Safety Code Section 11055(b)(1)(L) and is categorized as a  
6 dangerous drug pursuant to Business and Professions Code section 4022.

7 18. Oxycodone, a narcotic substance, is a Schedule II controlled substance pursuant to  
8 Health and Safety Code Section 11055(b)(1)(M) and is categorized as a dangerous drug pursuant  
9 to Business and Professions Code section 4022.

10 19. Triamterene is a dangerous drug pursuant to Business & Professions Code section  
11 4022.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Conviction of a Substantially Related Crime)**

14 20. Respondent is subject to disciplinary action under sections 4300 and 4301,  
15 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, on the  
16 grounds of unprofessional conduct, in that on or about June 9, 2015, Respondent was convicted of  
17 a crime substantially related to the qualifications, functions or duties of a registrant which to a  
18 substantial degree evidences his present or potential unfitness to perform the functions authorized  
19 by his license in a manner consistent with the public health, safety, or welfare. The circumstances  
20 are as follows:

21 a. On or around June 9, 2015, the Santa Barbara County Sheriff's Department  
22 responded to a local hotel in response to a complaint that Respondent was brandishing a weapon  
23 in public. After Respondent was identified and detained, he consented to a search of his person  
24 wherein officers located an Advil bottle, which contained various prescription pills, in the pocket  
25 of his pants. The bottle was not an assigned prescription vial and did not have Respondent's name  
26 on it. During an ensuing protective sweep of the premises, officers also located a prescription  
27 bottle with Respondent's name on it among his belongings. The second bottle contained various  
28 prescription pills.

1           b.     The pills from both bottles included: 2 pills Hydrocodone; 2 pills Finasteride  
2 (H36); 2 pills Hydrochlorothiazide (3571 V); 1 pill Triamterene (MYLAN TH 2); 1 pill  
3 Escitalopram (F 56); 6 pills Lyrica; 9 pills Diphenhydramine (44 329); 5 pills Adderall (XR); 3.5  
4 pills Trazodone Hydrochloride (50 50 50 PLIVA 441); 10 pills Amphetamine /  
5 Dextroamphetamine (cor 136); and, 1 pill Morphine Sulfate (M MS 30). In addition, there were  
6 14 brown pills with no imprints, and one green oval pill with G-X imprinted on it that could not be  
7 identified. No prescription bottles were found that matched the prescription pills from either  
8 bottle, nor any other evidence that indicated that the prescription pills were actually prescribed to  
9 Respondent.

10           c.     Officers arrested Respondent for a violation of Penal Code section 417  
11 [brandishing a weapon]. After transporting Respondent to the local jail facility, officers conducted  
12 an Under the Influence of a Controlled Substance Investigation and concluded that he was under  
13 the influence based upon multiple factors, including, but not limited to, Respondent's slow and  
14 methodical speech, droopy eyelids, the presence of dark circles surrounding his eyes, extremely  
15 elevated pulse rate, his inability to keep his eyes open, and pinpoint pupils. Respondent also  
16 admitted to officers that he was taking prescribed drugs such as Adderall, Q.L.D., Norco, Lyrica,  
17 and Oxycodone. Based on the foregoing, Respondent was also booked for a violation of Health &  
18 Safety Code section 11550 [being under the influence of a controlled substance] and Business &  
19 Professions Code section 4060 [possession of a controlled substance without a proper  
20 prescription].

21           d.     On or around August 11, 2015, Respondent was criminally charged with one  
22 count of violating Business & Professions Code section 4060 [possession of controlled substances]  
23 and a second count of Penal Code section 415(2) [public disturbance] in a matter entitled *The*  
24 *People of the State of California v. Shariar Zartoshti*, Santa Barbara County Superior Court, Case  
25 No. 1481436 (filed Aug. 11, 2005). Respondent ultimately pled nolo contendere to the second  
26 count and was subsequently convicted thereof.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Dangerous Use of Controlled Substance )

3 21. Respondent is subject to disciplinary action under sections 4300 and 4301, subdivision  
4 (h), on the grounds of unprofessional conduct, in that on or about June 9, 2015, Respondent  
5 administered multiple controlled substances to himself to the extent or in a manner to be dangerous  
6 or injurious to himself or others. Complainant refers to and by this reference incorporates the  
7 allegations set forth above in paragraph 20, subparagraphs a through c, inclusive, as though set  
8 forth fully herein.

9 THIRD CAUSE FOR DISCIPLINE

10 (Illegal Possession of Controlled Substances / Dangerous Drugs)

11 22. Respondent is subject to disciplinary action under Sections 4300 and 4301, subdivision  
12 (j), on the grounds of unprofessional conduct, in that on or around June 9, 2015, Respondent was  
13 in possession of controlled substances and/or dangerous drugs. Complainant refers to and by this  
14 reference incorporates the allegations set forth above in paragraph 20, subparagraphs a through d,  
15 inclusive, as though set forth fully herein.

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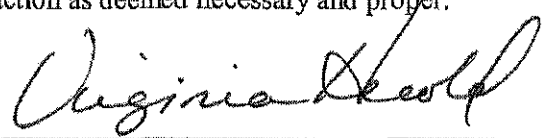
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PRAYER

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 Pharmacist License Number RPH 66143, issued to Shahriar Zartoshti;
2. Ordering Shahriar Zartoshti 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: 6/10/16



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

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