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

10 In the Matter of the Accusation Against:

Case No. 3322

11 **MOHAMAD KHALIL ELREDA**  
12 **6636 Otis Ave., #1**  
**Bell, CA 90201**  
13 **Pharmacy Technician Registration No. TCH**  
**68570**

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

14 Respondent.  
15

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about April 28, 2006, the Board issued Pharmacy Technician Registration  
22 Number TCH 68570 to Mohamad Khalil Elreda (Respondent). The Pharmacy Technician  
23 Registration was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on September 30, 2009, unless renewed.

25 **JURISDICTION**

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

1           4.    Section 118, subdivision (b), of the Code provides that the  
2 suspension/expiration/surrender/cancellation of a license shall not deprive the Board of  
3 jurisdiction to proceed with a disciplinary action during the period within which the license may  
4 be renewed, restored, reissued or reinstated.

5           5.    Section 4300 of the Code states:

6           “(a) Every license issued may be suspended or revoked.”

7           6.    Section 4301 of the Code states:

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

11           .....

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

15           .....

16           “(l) The conviction of a crime substantially related to the qualifications, functions, and  
17 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
18 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
19 substances or of a violation of the statutes of this state regulating controlled substances or  
20 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
21 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
22 The board may inquire into the circumstances surrounding the commission of the crime, in order  
23 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
24 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
25 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
26 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
27 of this provision. The board may take action when the time for appeal has elapsed, or the  
28 judgment of conviction has been affirmed on appeal or when an order granting probation is made

1 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
2 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
3 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
4 indictment.”

5 7. California Code of Regulations, title 16, section 1770, states:

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

#### 12 **COST RECOVERY PROVISION**

13 8. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
14 administrative law judge to direct a licentiate found to have committed a violation or violations of  
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
16 enforcement of the case.

#### 17 **FIRST CAUSE FOR DISCIPLINE**

##### 18 **(Act Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

19 9. Respondent is subject to disciplinary action under Code section 4301, subdivision (f)  
20 in that he committed an act involving moral turpitude, dishonesty, fraud, deceit and/or corruption.  
21 The circumstances are as follows:

22 a. On or about April 7, 2008, in the Superior Court of California, County of Los  
23 Angeles, in the case entitled *People of the State of California v. Mohamed Elreda* (Sup. Ct., Cty.  
24 of Los Angeles, 2008, Case No. BA323948), Respondent was convicted on his plea of guilty to  
25 one count of violating Penal Code section 350(A)(2) (sale of counterfeit mark > \$1000), a  
26 misdemeanor. The court placed Respondent on formal probation for 3 years, and ordered him to  
27 serve 1 day in jail.

28

1 b. The circumstances of the crime are that on or about January 26, 2007, pursuant to a  
2 search warrant, Los Angeles County Deputy Sheriffs seized counterfeit items from Respondent's  
3 place of business, valued over \$100,000. Respondent admitted that he was selling counterfeit  
4 merchandise.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Substantially Related Crime)**

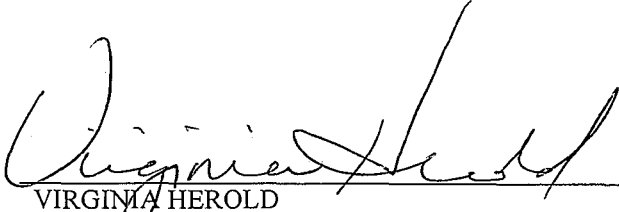
7 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (1)  
8 in that he was convicted of a crime substantially related to the qualifications, functions, and duties  
9 of a pharmacy technician. Complainant refers to and incorporates the allegations contained in  
10 paragraph 9, as though set forth fully.

11 **PRAYER**

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

- 14 1. Revoking or suspending Pharmacy Technician Registration Number TCH 68570,  
15 issued to Mohamad Khalil Elreda.
- 16 2. Ordering Mohamad Khalil Elreda to pay the Board of Pharmacy the reasonable costs  
17 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
18 section 125.3;
- 19 3. Taking such other and further action as deemed necessary and proper.
- 20
- 21

22 DATED: 7/20/09

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

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