

1 KAMALA D. HARRIS
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 CARL W. SONNE
Deputy Attorney General
4 State Bar No. 116253
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3164
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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. 3485

13 **NAVEED ASHRAF SALIMI**
14 **P.O. Box 2141**
Garden Grove, CA 92842

A C C U S A T I O N

15 **Pharmacy Technician Registration**
16 **No. TCH 11230**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about January 3, 1994, the Board of Pharmacy issued Pharmacy Technician
24 Registration Number TCH 11230 to Naveed Ashraf Salimi, also known as Naveed Basit Salimi
25 (Respondent). The Pharmacy Technician Registration was in full force and effect at all times
26 relevant to the charges brought herein. The Pharmacy Technician Registration expired on March
27 31, 2011, and has not been renewed.

28 ///

1 **JURISDICTION**

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

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

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be
10 suspended or revoked."

11 **STATUTORY PROVISIONS**

12 6. Section 482 of the Code states:

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

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

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

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

22 8. Section 493 of the Code states:

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

1 As used in this section, "license" includes "certificate," "permit," "authority,"
2 and "registration."

3 9. Section 4301 of the Code states:

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

8

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

14

15 (k) The conviction of more than one misdemeanor or any felony involving the
16 use, consumption, or self-administration of any dangerous drug or alcoholic beverage,
17 or any combination of those substances.

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

. . . .

///

///

///

///

1 **REGULATORY PROVISIONS**

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

3

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

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

9 (2) Total criminal record.

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

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

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

14 11. California Code of Regulations, title 16, section 1770, states:

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

22 **COSTS**

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

27 **DRUG**

28 13. Methamphetamine is a Schedule II controlled substance as designated by Health
and Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to Business
and Professions Code section 4022.

///

///

///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(December 6, 2010 Criminal Conviction for Aggravated Assault on September 29, 2009)**

3 14. Respondent subjected his license to discipline under sections 490 and 4301,
4 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
5 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

6 a. On or about December 6, 2010, in a criminal proceeding entitled *People of*
7 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
8 Orange County Superior Court, case number 09NF2804, Respondent was convicted on his plea of
9 guilty for violating Penal Code section 245, subdivision (a)(1), aggravated assault, a felony.

10 b. As a result of the conviction, on or about December 6, 2010, Respondent
11 was sentenced to state prison for the low term of two years, with credit for 365 days time served,
12 and 365 days good conduct.

13 c. The circumstances that led to the conviction are that on or about the
14 morning of September 29, 2009, the Anaheim Police Department was dispatched to investigate a
15 call of an assault with a deadly weapon. Upon arrival, the officer located two females standing
16 outside of an apartment. The victim, a 30-year-old female, had a severe laceration on her left
17 forearm that was spurting blood. The victim described her assailant, who was later identified as
18 Respondent. The female was transported to a local hospital where she told the officer that
19 Respondent attacked her with a machete while he was inside her apartment. She raised her arms
20 to defend herself, and Respondent struck her three times. The impact of the machete broke the
21 victim's arm, severed her radial artery, and resulted in a four-inch cut that went to the bone.
22 Respondent then threatened that if the victim called the cops or 9-1-1, he would cut her head off.
23 An interview with a witness at the victim's apartment stated that she, along with the victim and
24 Respondent, were smoking methamphetamine most of the morning. The victim accused
25 Respondent of stealing money from her and an argument ensued. After assaulting the victim,
26 Respondent fled the apartment with the machete. Later the same day, Respondent was arrested
27 while checking in with his probation officer.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(September 8, 2009 Criminal Conviction for Possession of a Controlled Substance &**
3 **Controlled Substance Paraphernalia on July 5, 2009)**

4 15. Respondent subjected his license to discipline under sections 490 and 4301,
5 subdivision (l) of the Code in that he was convicted of crimes that are substantially related to the
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about September 8, 2009, in a criminal proceeding entitled *People of*
8 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
9 Orange County Superior Court, case number 09NF2335, Respondent was convicted on his plea of
10 guilty for violating Health and Safety Code sections 11377, subdivision (a), possession of a
11 controlled substance, a felony, and 11364, possession of controlled substance paraphernalia, a
12 misdemeanor.

13 b. As a result of the guilty plea, on or about September 8, 2009, the court
14 ordered Respondent to enroll in a drug treatment program pursuant to Penal Code section 1210,
15 complete three years informal probation, pay fees, fines, and restitution, and comply with
16 probation terms. After two hearings on probation violations, Respondent's probation was
17 terminated and he was ordered to serve three years formal probation concurrent with the sentence
18 imposed in case number 09NF2804, above.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(December 23, 2008 Criminal Conviction for Brandishing a Weapon on November 15, 2008)**

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

24 a. On or about December 23, 2008, in a criminal proceeding entitled *People*
25 *of the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*,
26 in Orange County Superior Court, case number 08NM14657, Respondent was convicted on his
27 plea of guilty for violating Penal Code section 417, subdivision (a)(1), brandishing a deadly
28 weapon, a misdemeanor.

1 terms. Respondent was also ordered to attend one AA meeting a day for two weeks. After
2 Respondent's probation was revoked twice, he was sentenced to serve 270 days in jail on January
3 22, 2009, concurrent with the sentence imposed in case number 09NF2804, above. After four
4 additional hearings on probation violations, Respondent's probation was terminated on December
5 6, 2010.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(July 31, 2008 Criminal Conviction for Possession of a Controlled Substance**
8 **& Controlled Substance Paraphernalia on July 21, 2008)**

9 18. Respondent subjected his license to discipline under sections 490 and 4301,
10 subdivision (l) of the Code in that he was convicted of crimes that are substantially related to the
11 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

12 a. On or about July 31, 2008, in a criminal proceeding entitled *People of the*
13 *State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
14 Orange County Superior Court, case number 08NF2403, Respondent was convicted on his plea of
15 guilty for violating Health and Safety Code sections 11377, subdivision (a), possession of a
16 controlled substance, a felony, and 11364, possession of controlled substance paraphernalia, a
17 misdemeanor.

18 b. As a result of the conviction, on or about July 31, 2008, the court ordered
19 Respondent to enroll in a drug treatment program pursuant to Penal Code section 1210, serve
20 three years formal probation, pay fees, fines, and restitution, and comply with probation terms.
21 Respondent was also ordered to attend one AA meeting a day for two weeks. After Respondent's
22 probation was revoked four times, on January 22, 2009, Respondent was sentenced to serve 270
23 days in jail, with credit for 105 days, to be served concurrent to the sentence imposed in case
24 number 09NF2804, above. After four additional hearings on probation violations, Respondent's
25 probation was terminated on December 6, 2010.

26 ///

27 ///

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(May 7, 2008 Criminal Conviction for Possession of a Deadly Weapon on April 27, 2008)**

3 19. Respondent subjected his license to discipline under sections 490 and 4301,
4 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
5 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

6 a. On or about May 7, 2008, in a criminal proceeding entitled *People of the*
7 *State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
8 Orange County Superior Court, case number 08WF0806, Respondent was convicted on his plea
9 of guilty for violating Penal Code section 12020, subdivision (a)(1), possession of a deadly
10 weapon, to wit, a dagger, a misdemeanor.

11 b. As a result of the conviction, on or about May 7, 2008, Respondent was
12 ordered to serve 90 days in jail, with credit for 18 days, complete three years informal probation,
13 pay fees, fines, and restitution, and comply with probation terms. After Respondent's probation
14 was revoked four times, Respondent's probation was terminated on December 6, 2010.

15 c. The circumstances that led to the conviction are that on or about the
16 evening of April 27, 2008, the Garden Grove Police Department received a call from a hotel
17 reporting a knife fight that was occurring in one of the rooms. Upon arrival, officers observed
18 Respondent walking towards them with what appeared to be a kitchen knife in his outstretched
19 hand. Respondent was ordered to drop the knife. Respondent was hand-cuffed and searched. The
20 officers found a large hunting knife with a five-inch curved blade concealed in a leather sheath
21 under Respondent's shirt. Respondent stated that he kept the knife for personal protection. He
22 was arrested for possession of a deadly weapon.

23 **SEVENTH CAUSE FOR DISCIPLINE**

24 **(February 29, 2008 Criminal Conviction**

25 **for Possession of a Controlled Substance on February 27, 2008)**

26 20. Respondent subjected his license to discipline under sections 490 and 4301,
27 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
28 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

1 a. On or about February 29, 2008, in a criminal proceeding entitled *People of*
2 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
3 Orange County Superior Court, case number 08NF0725, Respondent was convicted on his plea of
4 guilty for violating Health and Safety Code section 11377, subdivision (a), possession of a
5 controlled substance, to wit, methamphetamine, a felony.

6 b. As a result of the conviction, on or about February 29, 2008, Respondent
7 was ordered to enroll in a drug treatment program pursuant to Penal Code section 1210, complete
8 three years formal probation, pay fees, fines, and restitution, and comply with probation terms.
9 Respondent was also ordered to attend and complete one AA meeting per days for two weeks.
10 After violating his probation, on May 7, 2008, Respondent was sentenced to 90 days in jail, with
11 credit for 18 days. After Respondent's probation was revoked on July 23, 2008, he was sentenced
12 to three years formal probation.

13 c. The circumstances that led to the conviction are that on or about the late
14 evening of February 27, 2008, a patrol officer with the Buena Park Police Department was
15 conducting a check of a hotel known to have high narcotics-related activity. As the officer
16 entered the parking lot, he observed a female who had been standing with Respondent walk away
17 quickly. The officer stopped both of them and asked them questions. The officer observed that
18 Respondent's pupils were dilated, he was sweating, his speech appeared rapid, and he was
19 fidgeting in his pockets. As the officer started to pat down Respondent, Respondent dropped a
20 small plastic baggie onto the ground with his left hand. Respondent was hand-cuffed and the
21 officer retrieved the plastic baggie that contained a white, crystalline substance which
22 subsequently tested positive for methamphetamine. Respondent was arrested and booked.
23 Respondent gave a voluntary statement to the officer wherein he admitted he had been using
24 methamphetamine for approximately three years.

25 ///
26 ///
27 ///
28 ///

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(January 18, 2008 Criminal Conviction for Possession of**
3 **Controlled Substance Paraphernalia on December 30, 2007)**

4 21. Respondent subjected his license to discipline under sections 490 and 4301,
5 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about January 18, 2008, in a criminal proceeding entitled *People of*
8 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
9 Orange County Superior Court, case number 08NM00006, Respondent was convicted on his plea
10 of guilty for violating Health and Safety Code section 11364, possession of controlled substance
11 paraphernalia, a misdemeanor.

12 b. As a result of the conviction, on or about January 18, 2008, Respondent
13 was ordered to enroll in a drug treatment program pursuant to Penal Code section 1210, complete
14 three years informal probation, pay fees, fines, and restitution, and comply with probation terms.
15 Respondent was further ordered not to consume any alcohol or unauthorized drugs. After
16 violating his probation, Respondent was sentenced to 90 days in jail, with credit for 45 days, on
17 May 8, 2008. After Respondent's probation was revoked on July 23, 2008, he was sentenced to
18 three years formal probation.

19 c. The circumstances that led to the conviction are that on or about the
20 evening of December 30, 2007, an officer with the Anaheim Police Department was on patrol
21 when he observed Respondent walking in the parking lot of a hotel. The officer recognized
22 Respondent and knew he had a warrant for his arrest. The officer stopped Respondent and
23 conducted a search. Inside Respondent's pocket was a paper bag containing two glass
24 methamphetamine pipes containing white and brown residue. Respondent was arrested.

25 ///

26 ///

27 ///

28 ///

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(January 18, 2008 Criminal Conviction for Disturbing the Peace/Fighting**
3 **on September 30, 2007)**

4 22. Respondent subjected his license to discipline under sections 490 and 4301,
5 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about January 18, 2008, in a criminal proceeding entitled *People of*
8 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
9 Orange County Superior Court, case number 08NM15845, Respondent was convicted on his plea
10 of guilty for violating Penal Code section 415(1), disturbing the peace by fighting, a
11 misdemeanor.

12 b. As a result of the conviction, on or about January 18, 2008, Respondent
13 was ordered to serve 27 days in jail, complete three years informal probation, pay fees, fines, and
14 restitution, and comply with probation terms.

15 **TENTH CAUSE FOR DISCIPLINE**

16 **(October 15, 2007 Criminal Conviction for Carrying a Switchblade Knife**
17 **& Possession of Controlled Substance Paraphernalia on October 11, 2007)**

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

21 a. On or about October 15, 2007, in a criminal proceeding entitled *People of*
22 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
23 Orange County Superior Court, case number 07NM13066, Respondent was convicted on his plea
24 of guilty for violating Penal Code section 653k, carrying switchblade knives; and Health and
25 Safety Code section 11364, possession of controlled substance paraphernalia, misdemeanors.

26 b. As a result of the conviction, on or about October 15, 2007, Respondent
27 was ordered to serve 45 days in jail, complete three years informal probation, pay fees, fines, and
28 restitution, and comply with probation terms.

1 ELEVENTH CAUSE FOR DISCIPLINE

2 (June 20, 2007 Criminal Conviction for Possession of
3 Controlled Substance Paraphernalia on April 3, 2007)

4 24. Respondent subjected his license to discipline under sections 490 and 4301,
5 subdivision (I) of the Code in that he was convicted of a crime that is substantially related to the
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about June 20, 2007, in a criminal proceeding entitled *People of the*
8 *State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
9 Orange County Superior Court, case number 07WM06280, Respondent was convicted on his plea
10 of guilty for violating Health and Safety Code section 11364, possession of controlled substance
11 paraphernalia, a misdemeanor.

12 b. As a result of the conviction, on or about June 20, 2007, Respondent was
13 ordered to enroll in a drug treatment program pursuant to Penal Code section 1210, complete
14 three years informal probation, pay fees, fines, and restitution, and comply with probation terms.
15 Respondent's probation was revoked twice, and terminated on September 8, 2009.

16 c. The circumstances that led to the conviction are that on or about the
17 afternoon of April 3, 2007, patrol officers from the Garden Grove Police Department were alerted
18 by a citizen of a possible drug transaction in progress. When the officers arrived on scene, they
19 made contact with Respondent, who was the driver of a vehicle with three passengers.
20 Respondent exited his vehicle and consented to a search; the officer located a glass smoking pipe
21 covered in white and black residue in Respondent's jacket pocket. Respondent was arrested and
22 booked for possession of controlled substance paraphernalia. Respondent provided a voluntary
23 statement to the officer in which admitted being addicted to methamphetamine, and that he had
24 last smoked methamphetamine approximately five hours prior to his arrest.

25 ///

26 ///

27 ///

28 ///

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(June 8, 2007 Criminal Conviction for Possession of**
3 **Controlled Substance Paraphernalia on May 29, 2007)**

4 25. Respondent subjected his license to discipline under sections 490 and 4301,
5 subdivision (l) of the Code in that he was convicted of a crime that is substantially related to the
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about June 8, 2007, in a criminal proceeding entitled *People of the*
8 *State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
9 Orange County Superior Court, case number 07NM06956, Respondent was convicted on his plea
10 of guilty for violating Health and Safety Code section 11364, possession of controlled substance
11 paraphernalia, a misdemeanor.

12 b. As a result of the conviction, on or about June 8, 2007, Respondent was
13 ordered to enroll in a drug treatment program pursuant to Penal Code section 1210, complete
14 three years informal probation, pay fees, fines, and restitution, and comply with probation terms.
15 After three revocations of probation, Respondent was sentenced to 90 days in jail on May 8,
16 2008, with credit for 62 days.

17 c. The circumstances that led to the conviction are that on or about the earlier
18 morning of May 29, 2007, patrol officers with the Anaheim Police Department conducted a
19 traffic stop on a vehicle driven by Respondent. Respondent exited his vehicle and the officer
20 observed several items bulging in Respondent's waistband that could have been weapons. The
21 officer searched Respondent and found two switchblade knives. Respondent directed the officer
22 to a methamphetamine pipe containing white residue in his pants pocket.

23 **THIRTEENTH CAUSE FOR DISCIPLINE**

24 **(October 27, 2006 Criminal Convictions for DUI Drugs, Under the Influence of a Controlled**
25 **Substance & Possession of Controlled Substance Paraphernalia on March 26, 2006)**

26 26. Respondent subjected his license to discipline under sections 490 and 4301,
27 subdivision (l) of the Code in that he was convicted of crimes that are substantially related to the
28 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

1 a. On or about October 27, 2006, in a criminal proceeding entitled *People of*
2 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
3 Orange County Superior Court, case number 06NM06992, Respondent was convicted on his plea
4 of guilty for violating Vehicle Code section 23152, subdivision (a), driving under the influence of
5 alcohol/drugs; Health and Safety Code section 11550, subdivision (a), under the influence of a
6 controlled substance; and Health and Safety Code section 11364, possession of controlled
7 substance paraphernalia, misdemeanors.

8 b. As a result of the convictions, on or about October 27, 2006, Respondent
9 was ordered to serve 90 days in jail, with credit for 70 days, complete five years informal
10 probation, attend an 18-month Multiple Offender Alcohol Program, pay fees, fines, and
11 restitution, and comply with probation terms. Respondent's probation was revoked on January
12 17, 2007, for failure to pay fines and he was ordered to complete 8 hours of community service.
13 Respondent's probation was revoked on April 2, 2007 for failure to attend the Multiple Offender
14 Alcohol Program. On May 29, 2007, Respondent's probation was revoked for failing to complete
15 community service. On June 8, 2007, and he was ordered to serve 30 days in jail, with credit for
16 15 days. Respondent's probation was revoked and reinstated three additional times.

17 c. The circumstances that led to the conviction are that on or about the
18 morning of March 26, 2006, the La Palma Police Department responded to an injury traffic
19 collision. A witness stated he observed a vehicle driven by Respondent veer to the right side of
20 the road, striking the curb and guardrail. Respondent's vehicle then flipped onto its top and slide
21 several feet down the road. The responding officer located a broken methamphetamine pipe
22 containing white residue on the ground next to Respondent's vehicle. Respondent was
23 transported to a local hospital with a fractured nose and lacerations to his face and both hands.
24 The officer followed Respondent to the hospital to continue his investigation. Hospital staff told
25 the officer that a blood sample taken when Respondent was admitted tested positive for
26 amphetamine. Respondent told the officer that he last used methamphetamine four months
27 earlier, then admitted he last smoked and snorted methamphetamine with friends the night before.

28 ///

1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(January 21, 2003 Criminal Conviction for**

3 **Driving Under the Influence of Alcohol/Drugs on June 14, 2002)**

4 27. Respondent subjected his license to discipline under sections 490 and 4301,
5 subdivision (l) of the Code in that he was convicted of crimes that are substantially related to the
6 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

7 a. On or about January 21, 2003, in a criminal proceeding entitled *People of*
8 *the State of California v. Naveed Salimi, aka Naveed Ashraf Salimi, aka Naveed Basit Salimi*, in
9 Orange County Superior Court, case number 02NM07788, Respondent was convicted on his plea
10 of guilty for violating Vehicle Code section 23152, subdivision (a), driving under the influence of
11 alcohol/drugs, a misdemeanor.

12 b. As a result of the convictions, on or about January 21, 2003, Respondent
13 was ordered to serve 50 days in jail, complete three years informal probation, attend an 18-month
14 Level 2 Alcohol Program, pay fees, fines, and restitution, and comply with probation terms.
15 Respondent's driver's license was suspended for 18 months.

16 **FIFTEENTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct – Use of a Controlled Substance)**

18 28. Respondent has subjected his registration to disciplinary action under section 4301,
19 subdivision (h) of the Code in that on or about February 27, 2008, April 3, 2007, and March 26,
20 2006, Respondent admitted to arresting officers that he used methamphetamine within the 24
21 hours prior to his arrest, as detailed in paragraphs 20, 24, and 26, above. Further, Respondent
22 tested positive for amphetamine on March 26, 2006, and was subsequently convicted on October
23 27, 2006, for being under the influence of methamphetamine on, as detailed in paragraph 26,
24 above.

25 ///

26 ///

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIXTEENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Multiple Drug-Related Convictions)

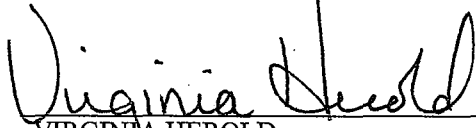
29. Respondent has subjected his registration to disciplinary action under section 4301, subdivision (k) of the Code in that he was convicted of four felony offenses and ten misdemeanor offenses involving the controlled substance methamphetamine, as detailed in paragraphs 14-27, above.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 11230, issued to Naveed Ashraf Salimi;
2. Ordering Naveed Ashraf Salimi to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 11/9/11


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

SD2009804782
80540913.doc