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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. 3629

13 **ABDULLAH KHAIRZADA**
2096 Aldengate W, # 312
Hayward, CA 94545

A C C U S A T I O N

14 **Pharmacy Technician License No. TCH 66070**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about February 9, 2006, the Board of Pharmacy issued Pharmacy Technician
21 License No. TCH 66070 to Abdullah Khairzada (Respondent). The Pharmacy Technician
22 License was in full force and effect at all times relevant to the charges brought herein and will
23 expire on August 31, 2011, unless renewed.

24
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 (Code) unless otherwise indicated.

1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300(a) of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 118(b) of the Code provides, in pertinent part, that the suspension, expiration,
7 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
8 disciplinary action during the period within which the license may be renewed, restored, reissued
9 or reinstated. Section 4402(a) of the Code provides that any pharmacist license that is not
10 renewed within three years following its expiration may not be renewed, restored, or reinstated
11 and shall be canceled by operation of law at the end of the three-year period. Section 4402(e) of
12 the Code provides that any other license issued by the Board may be canceled by the Board if not
13 renewed within 60 days after its expiration, and any license canceled in this fashion may not be
14 reissued but will instead require a new application to seek reissuance.

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16 STATUTORY AND REGULATORY PROVISIONS

17 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
18 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
19 not be limited to, any of the following:

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

23 (l) The conviction of a crime substantially related to the qualifications, functions, and
24 duties of a licensee under this chapter.

25 8. Section 490 of the Code provides, in pertinent part, that the Board may suspend or
26 revoke a license when it finds that the licensee has been convicted of a crime substantially related
27 to the qualifications, functions or duties of the license.

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1 9. California Code of Regulations, title 16, section 1770, states:

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

8 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation of the licensing
10 act to pay a sum not to exceed its reasonable costs of investigation and enforcement.

11
12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Substantially Related Crime(s))

14 11. Respondent is subject to discipline under section 4301(1) and/or section 490 of the
15 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of
16 substantially related crime(s), in that on or about September 16, 2008, in the criminal case *People*
17 *v. Sair Ahmad Khairzada, Abdullah Khairzada*, Case No(s). 410646B and/or H45556B in
18 Alameda County Superior Court, Respondent was convicted of violating Penal Code section 459
19 (Residential Burglary – 2nd Degree), a felony. The conviction was entered as follows:

20 a. On or about April 8, 2008, Respondent and his co-defendant broke into a home
21 in Hayward, CA and removed various items worth thousands of dollars. On or about May 13,
22 2008, Respondent and his co-defendant were charged by criminal Complaint in Case No.
23 410646B with violating Penal Code section 459 (Residential Burglary – 1st Degree), a felony.

24 b. On or about September 16, 2008, Respondent pleaded no contest to a lesser-
25 included charge of violating Penal Code section 459 (Residential Burglary – 2nd Degree) a
26 felony. On or about October 15, 2008, imposition of sentence on Respondent was suspended in
27 favor of a formal probation of five (5) years, on terms and conditions including six (6) months in
28 county jail (1 day CTS), a stay-away order from the victim (his ex-wife), and fines and fees.

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SECOND CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

12. Respondent is subject to discipline under section 4301(f) of the Code, in that, as described in paragraph 11 above, on one or more occasions Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

13. Respondent is subject to discipline under section 4301 of the Code in that, as described in paragraphs 11 and 12 above, Respondent engaged in unprofessional conduct.

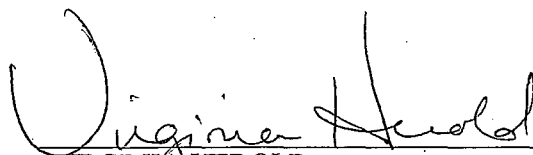
PRAYER

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 License No. TCH 66070, issued to Abdullah Khairzada (Respondent);
- 2. Ordering Respondent to pay the Board 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 is deemed necessary and proper.

DATED:

8/26/10



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

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