

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4762

12 **FROZAN SEDDIQI**
13 **4604 Victoria Avenue**
14 **Fremont, CA 94538**

A C C U S A T I O N

14 **Pharmacy Technician Registration No. TCH**
15 **17509**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about October 26, 1995, the Board issued Pharmacy Technician Registration
23 Number TCH 17509 to Frozan Seddiqi (Respondent). The Pharmacy Technician Registration
24 was in full force and effect at all times relevant to the charges brought herein and will expire on
25 February 28, 2015, unless renewed.

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1 JURISDICTION

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

5 4. Section 4300 of the Code states:

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

7 "(b) The board shall discipline the holder of any license issued by the board, whose default
8 has been entered or whose case has been heard by the board and found guilty, by any of the
9 following methods:

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

12 "(3) Suspending his or her right to practice for a period not exceeding one year.

13 "(4) Revoking his or her license.

14 "(5) Taking any other action in relation to disciplining him or her as the board in its
15 discretion may deem proper.

16 ...

17 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
18 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
19 shall have all the powers granted therein. The action shall be final, except that the propriety of
20 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of
21 Civil Procedure."

22 5. Section 4300.1 of the Code states:

23 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
24 operation of law or by order or decision of the board or a court of law, the placement of a license
25 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
26 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
27 proceeding against, the licensee or to render a decision suspending or revoking the license."

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

6 ...”

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

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

14 COSTS

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

19 FACTUAL BACKGROUND

20 10. Between 2002 and 2010, Respondent was registered as an In Home Support Services
21 (IHSS) provider for her mother, IHSS recipient A.S.¹

22 11. On numerous occasions between December 2002 and February 2010, A.S. traveled
23 outside of the United States.

24 12. On several occasions, Respondent signed and submitted IHSS timesheets indicating
25 that she had cared for A.S. on days that A.S. was outside of the United States. The State
26 Controller’s Office issued pay warrants to Respondent based on the hours documented on those

27 ¹ Initials are used herein to protect A.S.’s privacy. A.S.’s identity will be provided
28 pursuant to a proper discovery request.

1 timesheets. Respondent cashed the pay warrants. The state paid Respondent \$23,906.47 for
2 approximately 2,416 hours of work that she did not perform.

3 13. On or about March 27, 2012, in a criminal proceeding entitled *People v. Frozan*
4 *Seddiqi*, in Alameda County Superior Court, Case No. 576766, based on the conduct described in
5 paragraphs 10 and 11, above, Respondent was convicted on her plea of nolo contendere of
6 violating Penal Code section 487, subdivision (a) (grand theft of personal property), a
7 misdemeanor. Imposition of sentence was suspended and Respondent was ordered to serve 36
8 months probation, pay \$23,906.47 in restitution, pay a fine in the amount of \$233, and she was
9 disqualified as an IHSS provider for ten (10) years.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Commission of Act Involving Moral Turpitude, Dishonesty, and**
12 **Fraud)**

13 14. Respondent is subject to disciplinary action under sections 4300 and 4301,
14 subdivision (f) of the Code in that Respondent committed acts involving moral turpitude,
15 dishonesty, fraud, and/or deceit. The circumstances of Respondent's conduct are set forth above
16 in paragraphs 10-12.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct – Knowingly Signing Documents that Falsely Represent the**
19 **Existence of a State of Facts)**

20 15. Respondent is subject to disciplinary action under sections 4300 and 4301,
21 subdivision (g) of the Code in that Respondent knowingly signed documents that falsely
22 represented the existence of a state of facts. The circumstances of Respondent's conduct are set
23 forth above in paragraphs 10-12.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – Conviction of a Crime Substantially Related to the**
26 **Qualifications, Functions, and Duties of a Pharmacy Technician)**

27 16. Respondent is subject to disciplinary action under sections 490, 4300, and 4301,
28 subdivision (l) of the Code, and California Code of Regulations, title 16, section 1770, in that

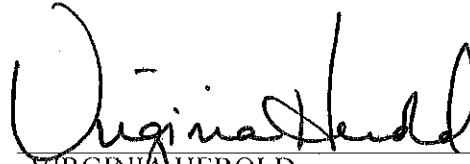
1 Respondent was convicted of a crime substantially related to the qualifications, functions, and
2 duties of a pharmacy technician. The circumstances of Respondent's conviction are set forth
3 above in paragraphs 10-13.

4 **PRAYER**

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

- 7 1. Revoking or suspending Pharmacy Technician Registration Number TCH 17509
8 issued to Frozan Seddiqi;
- 9 2. Ordering Frozan Seddiqi to pay the Board of Pharmacy the reasonable costs of the
10 investigation and enforcement of this case pursuant to Business and Professions Code section
11 125.3;
- 12 3. Taking such other and further action as deemed necessary and proper.

13
14 DATED: 2/19/14


15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant

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