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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. 4804

13 **ADLI SAM ALAMI**
27298 Wedgewood Way
14 Murrieta, CA 92562

ACCUSATION

15 **Pharmacy Technician Registration No. TCH 73355**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

- 20 1. Virginia Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 22 2. On December 6, 2006, the Board of Pharmacy issued Pharmacy Technician
23 Registration Number TCH 73355 to Adli Sam Alami (Respondent). Respondent has also been
24 known as Adli Sameh Alami. The Pharmacy Technician Registration was in full force and effect
25 at all times relevant to the charges brought herein and will expire on March 31, 2014, unless
26 renewed.

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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 4300, subdivision (a), of the Code provides that every license issued by the
6 Board may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued
9 license by operation of law or by order or decision of the board or a court of law,
10 the placement of a license on a retired status, or the voluntary surrender of a
11 license by a licensee shall not deprive the board of jurisdiction to commence or
12 proceed with any investigation of, or action or disciplinary proceeding against, the
13 licensee or to render a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 482 of the Code states:

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

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

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

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

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

24 8. Section 493 of the Code states:

25 Notwithstanding any other provision of law, in a proceeding conducted by
26 a board within the department pursuant to law to deny an application for a license
27 or to suspend or revoke a license or otherwise take disciplinary action against a
28 person who holds a license, upon the ground that the applicant or the licensee has
been convicted of a crime substantially related to the qualifications, functions, and
duties of the 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

1 the crime in order to fix the degree of discipline or to determine if the conviction
2 is substantially related to the qualifications, functions, and duties of the licensee in
question.

3 As used in this section, 'license' includes 'certificate,' 'permit,'
4 'authority,' and 'registration.'

5 9. Section 4022 of the Code states

6 "Dangerous drug" or "dangerous device" means any drug or device unsafe
7 for self-use in humans or animals, and includes the following:

8 (a) Any drug that bears the legend: "Caution: federal law prohibits
dispensing without prescription," "Rx only," or words of similar import.

9 (b) Any device that bears the statement: "Caution: federal law restricts
10 this device to sale by or on the order of a _____," "Rx only," or words of
similar import, the blank to be filled in with the designation of the practitioner
licensed to use or order use of the device.

11 (c) Any other drug or device that by federal or state law can be
12 lawfully dispensed only on prescription or furnished pursuant to Section 4006.

13 10. Section 4301 of the Code states:

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

17

18 (h) The administering to oneself, of any controlled substance, or the use of
19 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
20 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.

21

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

23

24 (l) The conviction of a crime substantially related to the qualifications,
25 functions, and duties of a licensee under this chapter. The record of conviction of
26 a violation of Chapter 13 (commencing with section 801) of Title 21 of the United
27 States Code regulating controlled substances or of a violation of the statutes of
28 this state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction
shall be conclusive evidence only of the fact that the conviction occurred. The
board may inquire into the circumstances surrounding the commission of the
crime, in order to fix the degree of discipline or, in the case of a conviction not
involving controlled substances or dangerous drugs, to determine if the conviction
is of an offense substantially related to the qualifications, functions, and duties of

1 a licensee under this chapter. A plea or verdict of guilty or a conviction following
2 a plea of *nolo contendere* is deemed to be a conviction within the meaning of this
3 provision. The board may take action when the time for appeal has elapsed, or the
4 judgment of conviction has been affirmed on appeal or when an order granting
5 probation is made suspending the imposition of sentence, irrespective of a
6 subsequent order under section 1203.4 of the Penal Code allowing the person to
7 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside
8 the verdict of guilty, or dismissing the accusation, information, or indictment.

9

10 REGULATORY PROVISIONS

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

12

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

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

18 (2) Total criminal record.

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

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

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

24 12. California Code of Regulations, title 16, section 1770, states:

25 For the purpose of denial, suspension, or revocation of a personal or
26 facility license pursuant to Division 1.5 (commencing with Section 475) of the
27 Business and Professions Code, a crime or act shall be considered substantially
28 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.

29 COST RECOVERY

30 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request
31 the administrative law judge to direct a licentiate found to have committed a violation or
32 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
33 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not

1 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
2 may be included in a stipulated settlement.

3 DRUGS AT ISSUE

4 14. Alprazolam, a depressant in the benzodiazepine family, is a Schedule IV
5 controlled substance as designated by Health and Safety Code, section 11057, subdivision (d)(1)
6 and is a dangerous drug pursuant to Code section 4022.

7 15. Hydrocodone is a Schedule III controlled substance as designated by Health and
8 Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to section 4022.

9 16. Marijuana is a Schedule I controlled substance as designated by Health and Safety
10 Code section 11054, subdivision (d)(13) and is a dangerous drug pursuant to section 4022.

11 17. Oxycodone is a Schedule II controlled substance as designated by Health and
12 Safety Code Section 11055(b) and is a dangerous drug pursuant to Code section 4022.

13 FIRST CAUSE FOR DISCIPLINE

14 (March 21, 2013 Criminal Conviction for DUI on June 5, 2012)

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

19 a. On March 21, 2013, in a criminal proceeding entitled *The People of the*
20 *State of California vs. Adli Sameh Alami*, in Riverside County Superior Court, Southwest Justice
21 Center, Murietta Courthouse, Case Number SWM1204708, Respondent was convicted on his
22 plea of guilty to violating Vehicle Code (VC) 23152, subdivision (a), driving under the influence
23 of alcohol and a drug and under their combined influence (DUI), a misdemeanor.

24 b. As a result of the conviction, on March 21, 2013, Respondent was granted
25 summary probation for thirty-six months, and committed to the custody of the Riverside
26 Sheriff's Office for two days with credit for two days served. Respondent was also ordered to
27 pay penalty assessments, fines, and fees; and attend and satisfactorily complete a three-month
28 first offender DUI program.

1 c. The facts that led to the conviction are that on June 5, 2012, an officer of
2 the California Highway Patrol (CHP) spotted Respondent's car stuck in a dirt field on the right
3 shoulder of Antelope Road in Temecula, California. While explaining to the officer how his
4 vehicle got stuck in the dirt field, Respondent appeared tired, with his eyes droopy, glassy, half-
5 closed, and watery, and his speech soft and slow. Respondent answered in the negative when
6 asked if he had been drinking. However, Respondent claimed that he had a medical marijuana
7 card and admitted to smoking two strong Indica marijuana joints around 5 p.m. and took one-
8 fourth milligram of Xanax at 10 p.m. before his arrest a little past midnight. Respondent was
9 unable to perform the field sobriety tests (FST) as explained and demonstrated. During the
10 inventory of Respondent's vehicle, the officer found two plastic sandwich bags with marijuana
11 and a glass pipe with burnt marijuana residue. Respondent was then transported to the CHP
12 Temecula office for drug evaluation. Respondent provided a blood sample, which tested positive
13 for oxycodone, hydrocodone, and marijuana.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct - Dangerous Use Of Drugs)**

16 19. Respondent subjected his pharmacy technician registration to discipline under
17 Code sections 490 and 4301, subdivision (h) in that on June 5, 2012, he used opiates,
18 cannabinoids, and benzodiazepine to the extent and in a manner that was dangerous and injurious
19 to himself and to the public, as described in paragraph 21, above, which is incorporated by
20 reference.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct - Violation of Drug Regulation Laws)**

23 20. Respondent subjected his pharmacy technician registration to discipline under
24 Code sections 490 and 4301, subdivision (j) in that on June 5, 2012, he violated HSC section
25 11550, subdivision (a), unlawful use and being under the influence of a controlled substance, not
26 having been administered by and under the direction of a person licensed by the State of
27 California to prescribe and administer controlled substances, a statute of the State of California
28 regulating controlled substances and dangerous drugs.

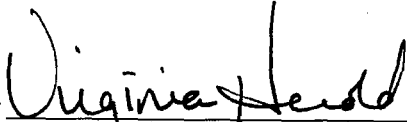
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PRAYER

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 Pharmacy Technician Registration Number TCH 73355, issued to Adli Sam Alami, also known as Adli Sameh Alami;
- 2. Ordering Adli Sam Alami 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: 11/4/13



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

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