

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 LINDA L. SUN
Supervising Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. 5122

13 **ALI HUSSEIN YOUSSEF**

A C C U S A T I O N

14 11551 Rancho del Valle
Granada Hills, CA 91344

15 Pharmacist License No. RPH 64023

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about July 19, 2010, the Board of Pharmacy (Board) issued Pharmacist License
22 No. RPH 64023 to Ali Hussein Youssef (Respondent). The Pharmacist License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on November 30,
24 2015, 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 unless otherwise indicated.
28

1 ///

2 **STATUTORY PROVISIONS**

3 4. Section 490 states, in pertinent part:

4 (a) In addition to any other action that a board is permitted to take
5 against a licensee, a board may suspend or revoke a license on the ground that the
6 licensee has been convicted of a crime, if the crime is substantially related to the
7 qualifications, functions, or duties of the business or profession for which the license
8 was issued.

9 (b) Notwithstanding any other provision of law, a board may exercise any
10 authority to discipline a licensee for conviction of a crime that is independent of the
11 authority granted under subdivision (a) only if the crime is substantially related to the
12 qualifications, functions, or duties of the business or profession for which the licensee's
13 license was issued.

14 (c) A conviction within the meaning of this section means a plea or
15 verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
16 board is permitted to take following the establishment of a conviction may be taken
17 when the time for appeal has elapsed, or the judgment of conviction has been affirmed
18 on appeal, or when an order granting probation is made suspending the imposition of
19 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
20 the Penal Code.

21 5. Section 493 states:

22 Notwithstanding any other provision of law, in a proceeding conducted by
23 a board within the department pursuant to law to deny an application for a license or
24 to suspend or revoke a license or otherwise take disciplinary action against a person
25 who holds a license, upon the ground that the applicant or the licensee has been
26 convicted of a crime substantially related to the qualifications, functions, and duties of
27 the licensee in question, the record of conviction of the crime shall be conclusive
28 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. As used in this
section, "license" includes "certificate," "permit," "authority," and "registration."

6. Section 4300 provides that every license issued by the Board is subject to discipline,
including suspension or revocation.

7. Section 4300.1 states:

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

8. Section 4301 states, in pertinent part:

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

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

...

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

...

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of 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 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.

REGULATORY PROVISION

9. California Code of Regulations, title 16, section 1770, states, in pertinent part:

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

COST RECOVERY

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

///

1 ///

2 **FIRST CAUSE FOR DISCIPLINE**

3 **(Convictions of Substantially Related Crimes)**

4 11. Respondent is subject to disciplinary action under sections 490 and 4301,
5 subdivision (I), in conjunction with California Code of Regulations, title 16, section 1770, in that
6 Respondent has been convicted of crimes substantially related to the qualifications, functions or
7 duties of a pharmacist, as follows:

8 a. On or about September 29, 2014, Respondent was convicted of one felony
9 count of violating Penal Code section 452, subdivision (b) [fire of an inhabited structure or
10 property] in the criminal proceeding entitled *The People of the State of California v. Ali Hussein*
11 *Youssef* (Super. Ct. L.A. County, 2014, No. PA076783). The Court sentenced Respondent to
12 serve 60 days in Los Angeles County Jail and placed him on 3 years formal probation, with terms
13 and conditions, including registration as a convicted arson offender. The circumstances
14 surrounding the conviction are that on or about on or about April 28, 2013, Respondent
15 intentionally set his own apartment unit on fire located at 15601 Odyssey Dr., Unit 4, in Granada
16 Hills.

17 b. On or about July 29, 2014, Respondent was convicted of one misdemeanor
18 count of violating Penal Code section 653M, subdivision (b) [annoying telephone calls] and one
19 misdemeanor count of Penal Code section 166A, subdivision (4) [contempt of court] in the
20 criminal proceeding entitled *The People of the State of California v. Ali Hussein Youssef* (Super.
21 Ct. L.A. County, 2014, No. 3PK00871). The Court placed Respondent on 3 years probation with
22 terms and conditions. The circumstances surrounding the conviction are that from on or about
23 January 21, 2013 to on or about February 5, 2013, Respondent made annoying and harassing
24 telephone calls, sent texts messages, and emails to the victim, an ex-girlfriend. On or about April
25 25, 2014, Respondent violated the protective order.

26 **SECOND CAUSE FOR DISCIPLINE**

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

28

