

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 4042

13 **SAMEH BARAKAT**
14 **2349 Fallwater Lane**
Carmichael, CA 95608
15 **Pharmacist License**

STATEMENT OF ISSUES

16 Applicant/Respondent.

17 Complainant alleges:

18 PARTIES

- 19 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
21 2. On or about June 10, 2010, the Board of Pharmacy, Department of Consumer Affairs
22 received an application for a Pharmacist License and examination from Sameh Barakat
23 (Respondent). On or about June 1, 2010, Sameh Barakat certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on December 16, 2010.

26 //

27 //

28

JURISDICTION

1
2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 4. Section 4300 of the Code states in pertinent part:

6
7 "(c) The board may refuse a license to any applicant guilty of unprofessional
8 conduct. The board may, in its sole discretion, issue a probationary license to any
9 applicant for a license who is guilty of unprofessional conduct and who has met all
10 other requirements for licensure. The board may issue the license subject to any
11 terms or conditions not contrary to public policy, including, but not limited to, the
12 following:

13 "(1) Medical or psychiatric evaluation.

14 "(2) Continuing medical or psychiatric treatment.

15 "(3) Restriction of type or circumstances of practice.

16 "(4) Continuing participation in a board-approved rehabilitation program.

17 "(5) Abstention from the use of alcohol or drugs.

18 "(6) Random fluid testing for alcohol or drugs.

19 "(7) Compliance with laws and regulations governing the practice of pharmacy.

20 5. Section 480 of the Code states in pertinent part:

21 "(a) A board may deny a license regulated by this code on the grounds that the
22 applicant has one of the following:

23 "(2) Done any act involving dishonesty, fraud, or deceit with the intent to
24 substantially benefit himself or herself or another, or substantially injure another.

25 "(3) (A) Done any act that if done by a licentiate of the business or profession in
26 question, would be grounds for suspension or revocation of license.

27 "(B) The board may deny a license pursuant to this subdivision only if the crime or
28 act is substantially related to the qualifications, functions, or duties of the business or
profession for which application is made.

 "(c) A board may deny a license regulated by this code on the ground that the
applicant knowingly made a false statement of fact required to be revealed in the
application for the license."

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

FIRST CAUSE FOR DENIAL OF APPLICATION

(Act involving Dishonesty)

6. Respondent's application is subject to denial under section 4300 (c) and 480 (a)(2) in that respondent dishonestly reported a false social security number to obtain Registration as a Pharmacy Intern. The circumstances are as follows:

(a) On or about May 13, 2010, respondent submitted an application for registration as an Intern Pharmacist. Respondent signed the application on April 16, 2010, certifying under penalty of perjury that "...all statements, answers, and representations in the foregoing application, including all supplementary statements are true and correct. Respondent's application listed a social security number of 493-781-736. At the time of the submission of his application, respondent did not have a US Social Security number.

(b) Respondent's application for Licensure as a Pharmacist lists a social security number of 49-3781-736. On or about October 10, 2010 respondent appeared at the Board office to inquire about the status of his application. Respondent produced his United States Social Security card and number which did not match the number provided in his application for licensure as a Pharmacist nor in his application for Registration as a Pharmacist intern.

(c) In his letter of explanation to the Board, Respondent admitted that he did not receive an American Social Security number until August of 2010.

SECOND CAUSE FOR DENIAL OF APPLICATION

(False Statement of Fact)

7. Respondent's application is subject to denial under section 480(c) in that he submitted an application for Registration as Pharmacy Intern and his application for Pharmacist containing knowingly false information, namely a false social security number as set forth above in paragraphs 6 (a), (b), and (c), above.

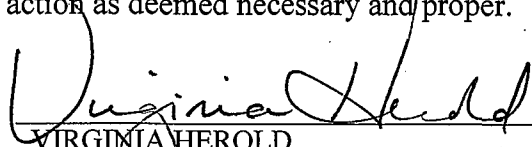
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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. Denying the application of Sameh Barakat for a Pharmacist License;
2. Taking such other and further action as deemed necessary and proper.

DATED: 3/19/12



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

SA2011101021
10699462.doc