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

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

14 **MEHRNAZ AHRAR**

15 **Intern Pharmacist Applicant**

16 Respondent.

Case No. 7138

**STATEMENT OF ISSUES**

17  
18  
19  
20 **PARTIES**

21 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

23 2. On or about August 6, 2020, the Board of Pharmacy, Department of Consumer  
24 Affairs received an application for an Intern Pharmacist license from Mehrnaz Ahrar  
25 (Respondent). On or about July 23, 2020, Mehrnaz Ahrar certified under penalty of perjury to the  
26 truthfulness of all statements, answers, and representations in the application. The Board denied  
27 the application on February 18, 2021.

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1 **JURISDICTION**

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

5 4. Section 4300, subdivision (c) of the Code provides, in pertinent part, that the Board  
6 may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole  
7 discretion, issue a probationary license to any applicant for a license who is guilty of  
8 unprofessional conduct and who has met all other requirements for licensure.

9 **STATUTORY PROVISIONS**

10 5. Section 475 of the Code states:

11 (a) Notwithstanding any other provisions of this code, the provisions of this  
12 division shall govern the denial of licenses on the grounds of:

13 (1) Knowingly making a false statement of material fact, or knowingly  
14 omitting to state a material fact, in an application for a license.

15 (2) Conviction of a crime.

16 (3) Commission of any act involving dishonesty, fraud or deceit with the  
17 intent to substantially benefit himself or another, or substantially injure another.

18 (4) Commission of any act which, if done by a licentiate of the business or  
19 profession in question, would be grounds for suspension or revocation of license.

20 (b) Notwithstanding any other provisions of this code, the provisions of this  
21 division shall govern the suspension and revocation of licenses on grounds specified in  
22 paragraphs (1) and (2) of subdivision (a).

23 (c) A license shall not be denied, suspended, or revoked on the grounds of a lack  
24 of good moral character or any similar ground relating to an applicant's character,  
25 reputation, personality, or habits.

26 6. Section 480 of the Code states:

27 (a) Notwithstanding any other provision of this code, a board may deny a license  
28 regulated by this code on the grounds that the applicant has been convicted of a crime  
or has been subject to formal discipline only if either of the following conditions are met:

(1) The applicant has been convicted of a crime within the preceding seven years from the date of application that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, regardless of whether the applicant was incarcerated for that crime, or the applicant has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the business or profession for which the

1 application is made and for which the applicant is presently incarcerated or for  
2 which the applicant was released from incarceration within the preceding seven  
years from the date of application. However, the preceding seven-year limitation  
shall not apply in either of the following situations:

3 (A) The applicant was convicted of a serious felony, as defined in Section  
4 1192.7 of the Penal Code or a crime for which registration is required pursuant  
to paragraph (2) or (3) of subdivision (d) of Section 290 of the Penal Code.

5 (B) The applicant was convicted of a financial crime currently classified as a  
6 felony that is directly and adversely related to the fiduciary qualifications,  
7 functions, or duties of the business or profession for which the application is  
made, pursuant to regulations adopted by the board, and for which the  
applicant is seeking licensure under any of the following:

8 (i) Chapter 6 (commencing with Section 6500) of Division 3.

9 (ii) Chapter 9 (commencing with Section 7000) of Division 3.

10 (iii) Chapter 11.3 (commencing with Section 7512) of Division 3.

11 (iv) Licensure as a funeral director or cemetery manager under Chapter  
12 12 (commencing with Section 7600) of Division 3.

13 (v) Division 4 (commencing with Section 10000).

14 (2) The applicant has been subjected to formal discipline by a licensing board in or  
15 outside California within the preceding seven years from the date of application based  
16 on professional misconduct that would have been cause for discipline before the board  
17 for which the present application is made and that is substantially related to the  
18 qualifications, functions, or duties of the business or profession for which the present  
application is made. However, prior disciplinary action by a licensing board within  
the preceding seven years shall not be the basis for denial of a license if the basis for  
that disciplinary action was a conviction that has been dismissed pursuant to Section  
1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable  
dismissal or expungement.

19 (b) Notwithstanding any other provision of this code, a person shall not be denied a  
20 license on the basis that the person has been convicted of a crime, or on the basis of  
21 acts underlying a conviction for a crime, if that person has obtained a certificate of  
22 rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part  
3 of the Penal Code, has been granted clemency or a pardon by a state or federal  
executive, or has made a showing of rehabilitation pursuant to Section 482.

23 (c) Notwithstanding any other provision of this code, a person shall not be denied a  
24 license on the basis of any conviction, or on the basis of the acts underlying the  
conviction, that has been dismissed pursuant to Section 1203.4, 1203.4a, 1203.41,  
25 1203.42, or 1203.425 of the Penal Code, or a comparable dismissal or expungement.  
An applicant who has a conviction that has been dismissed pursuant to Section 1203.4,  
26 1203.4a, 1203.41, or 1203.42 of the Penal Code shall provide proof of the dismissal if  
it is not reflected on the report furnished by the Department of Justice.

27 (d) Notwithstanding any other provision of this code, a board shall not deny a license  
28 on the basis of an arrest that resulted in a disposition other than a conviction, including  
an arrest that resulted in an infraction, citation, or a juvenile adjudication.

1 (e) A board may deny a license regulated by this code on the ground that the applicant  
2 knowingly made a false statement of fact that is required to be revealed in the  
3 application for the license. A board shall not deny a license based solely on an  
4 applicant's failure to disclose a fact that would not have been cause for denial of the  
5 license had it been disclosed.

6 (f) A board shall follow the following procedures in requesting or acting on an  
7 applicant's criminal history information:

8 (1) A board issuing a license pursuant to Chapter 3 (commencing with Section  
9 5500), Chapter 3.5 (commencing with Section 5615), Chapter 10 (commencing  
10 with Section 7301), Chapter 20 (commencing with Section 9800), or Chapter  
11 20.3 (commencing with Section 9880), of Division 3, or Chapter 3 (commencing  
12 with Section 19000) or Chapter 3.1 (commencing with Section 19225) of  
13 Division 8 may require applicants for licensure under those chapters to disclose  
14 criminal conviction history on an application for licensure.

15 (2) Except as provided in paragraph (1), a board shall not require an applicant for  
16 licensure to disclose any information or documentation regarding the applicant's  
17 criminal history. However, a board may request mitigating information from an  
18 applicant regarding the applicant's criminal history for purposes of determining  
19 substantial relation or demonstrating evidence of rehabilitation, provided that the  
20 applicant is informed that disclosure is voluntary and that the applicant's decision  
21 not to disclose any information shall not be a factor in a board's decision to grant  
22 or deny an application for licensure.

23 (3) If a board decides to deny an application for licensure based solely or in part  
24 on the applicant's conviction history, the board shall notify the applicant in  
25 writing of all of the following:

26 (A) The denial or disqualification of licensure.

27 (B) Any existing procedure the board has for the applicant to challenge the  
28 decision or to request reconsideration.

(C) That the applicant has the right to appeal the board's decision.

(D) The processes for the applicant to request a copy of the applicant's  
complete conviction history and question the accuracy or completeness of the  
record pursuant to Sections 11122 to 11127 of the Penal Code.

(g)

(1) For a minimum of three years, each board under this code shall retain application  
forms and other documents submitted by an applicant, any notice provided to an  
applicant, all other communications received from and provided to an applicant, and  
criminal history reports of an applicant.

(2) Each board under this code shall retain the number of applications received for  
each license and the number of applications requiring inquiries regarding criminal  
history. In addition, each licensing authority shall retain all of the following  
information:

(A) The number of applicants with a criminal record who received notice of  
denial or disqualification of licensure.

1 (B) The number of applicants with a criminal record who provided evidence of mitigation or rehabilitation.

2 (C) The number of applicants with a criminal record who appealed any denial or disqualification of licensure.

3 (D) The final disposition and demographic information, consisting of voluntarily provided information on race or gender, of any applicant described in subparagraph (A), (B), or (C).

4 (3)

5 (A) Each board under this code shall annually make available to the public through the board's internet website and through a report submitted to the appropriate policy committees of the Legislature deidentified information collected pursuant to this subdivision. Each board shall ensure confidentiality of the individual applicants.

6 (B) A report pursuant to subparagraph (A) shall be submitted in compliance with Section 9795 of the Government Code.

7 (h) "Conviction" as used in this section shall have the same meaning as defined in Section 7.5.

8 (i) This section does not in any way modify or otherwise affect the existing authority of the following entities in regard to licensure:

9 (1) The State Athletic Commission.

10 (2) The Bureau for Private Postsecondary Education.

11 (3) The California Horse Racing Board.

12 (j) This section shall become operative on July 1, 2020.

13 7. Section 493 of the Code states:

14 (a) Notwithstanding any other law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a 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.

15 (b)

16 (1) Criteria for determining whether a crime is substantially related to the qualifications, functions, or duties of the business or profession the board regulates shall include all of the following:

17 (A) The nature and gravity of the offense.

18 (B) The number of years elapsed since the date of the offense.

(C) The nature and duties of the profession.

(2) A board shall not categorically bar an applicant based solely on the type of conviction without considering evidence of rehabilitation.

(c) As used in this section, “license” includes “certificate,” “permit,” “authority,” and “registration.”

...

8. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been 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.

...

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

...

(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 PROVISIONS**

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

...

(b) Denial of a license.

(1) When considering the denial of a facility or personal license under Section 480 of the Business and Professions Code on the grounds that the applicant has been convicted of a crime, the board will consider whether the applicant made a showing of rehabilitation if the applicant completed the criminal sentence at issue without a violation of parole or probation. In making this determination, the board will consider the following criteria:

(A) The nature and gravity of the crime(s).

(B) The length(s) of the applicable parole or probation period(s).

(C) The extent to which the applicable parole or probation period was shortened or lengthened, and the reason(s) the period was modified.

(D) The terms or conditions of parole or probation and the extent to which they bear on the applicant's rehabilitation.

(E) The extent to which the terms or conditions of parole or probation were modified, and the reason(s) for modification.

(2) If the applicant has not completed the criminal sentence at issue without a violation of parole or probation, or the board determines that the applicant did not make the showing of rehabilitation based on the criteria in paragraph (1) or the denial is based on professional misconduct, the board will apply the following criteria in evaluating an applicant's rehabilitation:

(A) The nature and gravity of the act(s), professional misconduct, or crime(s) under consideration as grounds for denial.

(B) Evidence of any act(s), professional misconduct, or crime(s) committed subsequent to the act(s), professional misconduct, or crime(s) under consideration as grounds for denial under Section 480 of the Business and Professions Code.

(C) The time that has elapsed since commission of the act(s), professional misconduct, or crime(s) referred to in subparagraph (A) or (B).

(D) Whether the applicant has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the applicant.

(E) The criteria in paragraphs (1)(A) through (E), as applicable.

(F) Evidence, if any, of rehabilitation submitted by the applicant, including as provided in the board's Disciplinary Guidelines, identified in section 1760.

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

2 (a) For the purpose of denial, suspension, or revocation of a personal or facility  
3 license pursuant to Section 141 or Division 1.5 (commencing with Section 475)  
4 of the Business and Professions Code, a crime, professional misconduct, or act  
5 shall be considered substantially related to the qualifications, functions or duties  
6 of the practice, profession, or occupation that may be performed under the license  
7 type sought or held if to a substantial degree it evidences present or potential  
8 unfitness of an applicant or licensee to perform the functions authorized by the  
9 license in a manner consistent with the public health, safety, or welfare.

10 (b) In making the substantial relationship determination required under  
11 subdivision (a) for a crime, the board will consider the following criteria:

12 (1) The nature and gravity of the offense;

13 (2) The number of years elapsed since the date of the offense; and

14 (3) The nature and duties of the practice, profession, or occupation that may  
15 be performed under the license type sought or held.

16 (c) For purposes of subdivision (a), substantially related crimes, professional  
17 misconduct, or acts shall include, but are not limited to, those which:

18 (1) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
19 conspire to violate, any provision of law of this state, or any other jurisdiction,  
20 governing the practice of pharmacy.

21 (2) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
22 conspire to violate, any provision of Chapter 13 (commencing with Section  
23 801) of Title 21 of the United States Code regulating controlled substances or  
24 any law of this state, or any other jurisdiction, relating to controlled substances  
25 or dangerous drugs.

26 (3) Violate or attempt to violate, directly or indirectly, or to aid, abet or  
27 conspire to violate, any provision of law of this state, or any other jurisdiction,  
28 relating to government provided or government supported healthcare.

(4) Involve dishonesty, fraud, deceit, or corruption related to money, items,  
documents, or personal information.

(5) Involve a conviction for driving under the influence of drugs or alcohol.

### **FIRST CAUSE FOR DENIAL OF APPLICATION**

#### **(July 19, 2018 Criminal Conviction for Battery)**

11. Respondent's application for licensure is subject to denial under section 480,  
subdivision (a)(1) of the Code in that she was convicted of a crime within the preceding seven  
years that is substantially related to the qualifications, duties, and functions of a registered  
pharmacy intern. Said conviction would be grounds for discipline under section 4301,



1 subdivisions (f) and/or (l) of the Code for a registered intern pharmacist. The circumstances are  
2 as follows:

3 a. On July 19, 2018, in a criminal proceeding entitled, *People of the State of*  
4 *California v. Mehrnaz Ahrar*, in Contra Costa County Superior Court, case number 01-182823-5,  
5 Respondent was convicted on her plea of no contest to one count of misdemeanor violation of  
6 Penal Code section 242 (Battery).

7 b. As a result of her conviction, Respondent was sentenced to completing a 16-  
8 week anger management course, to pay fines and fees, and three years' probation. On or about  
9 November 26, 2019, Respondent's probation was modified to order that Respondent serve 6 days  
10 in jail, attend and complete an 8-week anger management course, and to reduce probation to one  
11 year.

12 c. The facts that led to the conviction are that on May 19, 2017, Respondent  
13 physically attacked a nail salon worker. Respondent had had services rendered the day before at  
14 the salon, and returned on the evening of May 19 to demand a refund. Respondent physically  
15 attacked a worker at the salon, and was shortly thereafter arrested by the Walnut Creek Police  
16 Department.

17 **SECOND CAUSE FOR DENIAL OF APPLICATION**

18 **(September 26, 2019 Criminal Conviction for Grand Theft)**

19 12. Respondent's application for licensure is subject to denial under section 480,  
20 subdivision (a)(1) of the Code in that she was convicted of a crime within the preceding seven  
21 years that is substantially related to the qualifications, duties, and functions of a registered  
22 pharmacy intern. Said conviction would be grounds for discipline under section 4301,  
23 subdivisions (f) and/or (l) of the Code for a registered intern pharmacist. The circumstances are  
24 as follows:

25 a. On September 26, 2019, in a criminal proceeding entitled, *People of the State of*  
26 *California v. Mehrnaz Ahrar*, in Contra Costa County Superior Court, case number 01-189419-5-  
27 001, Respondent was convicted on her plea of no contest to one count of misdemeanor violation  
28 of Penal Code section 487(a) (Grand Theft of Personal Property).

1           b.     As a result of her conviction, Respondent was sentenced to serve 45 days in  
2 jail, participate in a theft awareness class, to pay fines, fees and restitution.

3           c.     The facts that led to the conviction are that on January 7, 2019, Respondent  
4 stole a purse from the locker room at her gym. The victim filed a police report, and reported her  
5 credit cards as stolen. Several fraudulent charges appeared on the victim's credit accounts,  
6 totaling more than \$950. Records from the fraudulent transactions led police to Respondent's  
7 phone number and IP address. A search warrant was executed on February 12, 2019, at  
8 Respondent's residence. The stolen purse was located in Respondent's possession.

9                                                           **THIRD CAUSE FOR DENIAL OF APPLICATION**

10           **(Commission of Acts Involving Dishonesty, Moral Turpitude, Deceit and/or Corruption)**

11           13.    Respondent's application for registration as a pharmacist intern is subject to denial  
12 under Code section 480, subdivision (a)(1), and Code section 4301, subdivision (f), for  
13 unprofessional conduct in that on or about July 19, 2018, and September 26, 2019, Respondent  
14 was convicted of criminal acts that involve dishonesty, moral turpitude, deceit, and/or corruption,  
15 as detailed in paragraphs 11 and 12, above. Said conduct would be a cause for discipline under  
16 Business and Professions Code section 4301, subdivision (f) of the Code for a licensed  
17 Pharmacist Intern.

18                                                           **PRAYER**

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

- 21           1.     Denying the application of Mehrnaz Ahrar for a Pharmacist Intern license;  
22           2.     Taking such other and further action as deemed necessary and proper.

23    DATED:    8/7/2021

Signature on File

24                                                           \_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
25 Department of Consumer Affairs  
State of California  
26 *Complainant*

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