

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

PARK PHARMACY
DENNIS ELIAS SAADEH
Co-Owner/Pharmacist-in-Charge
TINA MARIE SULIC-SAADEH
Co-Owner
250 East Yale Loop, Suite C
Irvine, CA 92064

Original Pharmacy Permit No. PHY 41748

DENNIS ELIAS SAADEH
653 Via Faisan
San Clemente, CA 92673

Pharmacist License No. RPH 41232

Respondents.

Case No. 2924

OAH No. L-2007040275

DECISION AND ORDER

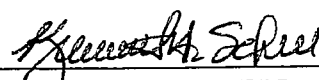
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on August 13, 2008.

It is so ORDERED July 14, 2008.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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8 Attorneys for Complainant

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

12 In the Matter of the First Amended Accusation
Against:

13 PARK PHARMACY
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15 TINA MARIE SULIC-SAADEH
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16 250 East Yale Loop, Suite C
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17 Original Pharmacy Permit No. PHY 41748
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19 DENNIS ELIAS SAADEH
653 Via Faisan
20 San Clemente, CA 92673

21 Pharmacist License No. RPH 41232

22 Respondents.
23

Case No. 2924

OAH No. L-2007040275

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
25 above-entitled proceedings that the following matters are true:

26 PARTIES

27 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
28 Pharmacy. She brought this action solely in her official capacity and is represented in this matter

1 have also carefully read, fully discussed with counsel, and understand the effects of this
2 Stipulated Settlement and Disciplinary Order.

3 7. Respondents are fully aware of their legal rights in this matter, including
4 the right to a hearing on the charges and allegations in the Accusation; the right to be represented
5 by counsel at their own expense; the right to confront and cross-examine the witnesses against
6 them; the right to present evidence and to testify on their own behalf; the right to the issuance of
7 subpoenas to compel the attendance of witnesses and the production of documents; the right to
8 reconsideration and court review of an adverse decision; and all other rights accorded by the
9 California Administrative Procedure Act and other applicable laws.

10 8. Respondents voluntarily, knowingly, and intelligently waive and give up
11 each and every right set forth above.

12 CULPABILITY

13 9. Respondents admit the truth of each and every charge and allegation in
14 First Amended Accusation No. 2924.

15 10. Respondent Saadeh agrees that his Pharmacist License and Original
16 Pharmacy Permit are subject to discipline and he agrees to be bound by the Board's imposition of
17 discipline as set forth in the Disciplinary Order below.

18 CONTINGENCY

19 11. This stipulation shall be subject to approval by the Board of Pharmacy.
20 Respondents understand and agree that counsel for Complainant and the staff of the Board of
21 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,
22 without notice to or participation by Respondents or their counsel. By signing the stipulation,
23 Respondents understand and agree that they may not withdraw their agreement or seek to rescind
24 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt
25 this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall
26 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
27 between the parties, and the Board shall not be disqualified from further action by having
28 considered this matter.

1 • discipline, citation, or other administrative action filed by any state and federal
2 agency which involves Respondent's Pharmacist license or Original Pharmacy
3 Permit or which is related to the practice of pharmacy or the manufacturing,
4 obtaining, handling or distribution or billing or charging for any drug, device or
5 controlled substance.

6 3. **Reporting to the Board.** Respondents Saadeh and Park Pharmacy
7 shall report to the Board quarterly. The report shall be made either in person or in writing, as
8 directed. Respondent Saadeh shall state under penalty of perjury whether there has been
9 compliance with all the terms and conditions of probation. If the final probation report is **not**
10 made as directed, probation shall be extended automatically until such time as the final report
11 is made and accepted by the Board.

12 4. **Interview with the Board.** Upon receipt of reasonable notice,
13 Respondent Saadeh shall appear in person for interviews with the Board upon request at
14 various intervals at a location to be determined by the Board. Failure to appear for a
15 scheduled interview without prior notification to Board staff shall be considered a violation of
16 probation.

17 5. **Cooperation with Board Staff.** Respondents Saadeh and Park
18 Pharmacy shall cooperate with the Board's inspectional program and in the Board's monitoring
19 and investigation of Respondents' compliance with the terms and conditions of their
20 probation. Failure to comply shall be considered a violation of probation.

21 6. **Continuing Education.** Respondent Saadeh shall provide evidence of
22 efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

23 7. **Notice to Employers.** Respondent Saadeh shall notify all present and
24 prospective employers of the decision in Case Number 2924 and the terms, conditions and
25 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
26 this decision, and within 15 days of Respondent undertaking new employment, Respondent
27 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
28 writing acknowledging the employer has read the decision in Case Number 2924.

1 If Respondent Saadeh works for or is employed by or through a pharmacy
2 employment service, Respondent must notify the direct supervisor, pharmacist-in-charge,
3 and/or owner at every pharmacy of the and terms conditions of the decision in Case Number
4 2924 in advance of the Respondent commencing work at each pharmacy.

5 "Employment" within the meaning of this provision shall include any full-time, part-
6 time, temporary, relief or pharmacy management service as a pharmacist, whether the
7 Respondent is considered an employee or independent contractor.

8 **8. Notice to Employees.** Respondent shall, upon or before the effective
9 date of this decision, ensure that all employees involved in permit operations are made aware
10 of all the terms and conditions of probation, either by posting a notice of the terms and
11 conditions, circulating such notice, or both. If the notice required by this provision is posted,
12 it shall be posted in a prominent place and shall remain posted throughout the probation
13 period. Respondent shall ensure that any employees hired or used after the effective date of
14 this decision are made aware of the terms and conditions by posting a notice, circulating a
15 notice, or both.

16 "Employees" as used in this provision include all full-time, part-time, temporary and
17 relief employees and independent contractors employed or hired at any time during
18 probation.

19 **9. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
20 **Charge (PIC), or Serving as a Consultant.** Respondent Saadeh shall not supervise any
21 intern pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
22 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
23 order.

24 **10. Reimbursement of Board Costs as to Dennis Saadeh.** Respondent
25 Saadeh shall pay to the Board its costs of investigation and prosecution in the amount of
26 \$7,000.00. Respondent Saadeh shall be permitted to pay these costs in a payment plan
27 approved by the Board, with payments to be completed no later than three months prior to the
28 end of the probation term.

1 The filing of bankruptcy by Respondent Saadeh shall not relieve Respondent of
2 his responsibility to reimburse the Board its costs of investigation and prosecution.

3 **11. Reimbursement of Board Costs as to Park Pharmacy.** Respondent
4 Park Pharmacy shall pay to the Board its costs of investigation and prosecution in the amount
5 of \$3,387.00. Respondent Park Pharmacy shall be permitted to pay these costs in a payment
6 plan approved by the Board, with payments to be completed no later than three months prior
7 to the end of the probation term.

8 The filing of bankruptcy by Respondent Saadeh or Park Pharmacy shall not
9 relieve Respondent of his responsibility to reimburse the Board its costs of investigation and
10 prosecution.

11 **12. Probation Monitoring Costs.** Respondents Saadeh and Park
12 Pharmacy shall pay the costs associated with probation monitoring as determined by the Board
13 each and every year of probation. Such costs shall be payable to the Board at the end of each
14 year of probation. Failure to pay such costs shall be considered a violation of probation.

15 **13. Status of License.** Respondents Saadeh and Park Pharmacy shall, at all
16 times while on probation, maintain an active current license with the Board, including any
17 period during which suspension or probation is tolled.

18 If Respondents' licenses expire or are canceled by operation of law or
19 otherwise, upon renewal or reapplication, Respondents' licenses shall be subject to all terms
20 and conditions of this probation not previously satisfied.

21 **14. License Surrender while on Probation/Suspension.** Following the
22 effective date of this decision, should Respondent Saadeh cease practice due to retirement or
23 health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent
24 may tender his license to the Board for surrender. The Board shall have the discretion whether
25 to grant the request for surrender or take any other action it deems appropriate and reasonable.
26 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject
27 to the terms and conditions of probation.

28 ///

1 Upon acceptance of the surrender, Respondent shall relinquish his pocket
2 license to the Board within 10 days of notification by the Board that the surrender is accepted.
3 Respondent may not reapply for any license from the Board for three years from the effective
4 date of the surrender. Respondent shall meet all requirements applicable to the license sought
5 as of the date the application for that license is submitted to the Board.

6 15. **Notification of Employment/Mailing Address Change.** Respondent
7 Saadeh shall notify the Board in writing within 10 days of any change of employment. Said
8 notification shall include the reasons for leaving and/or the address of the new employer,
9 supervisor or owner and work schedule if known. Respondent shall notify the Board in
10 writing within 10 days of a change in name, mailing address or phone number.

11 16. **Tolling of Probation.** Should Respondent Saadeh, regardless of
12 residency, for any reason cease practicing pharmacy for a minimum of 40 hours per calendar
13 month in California, Respondent must notify the Board in writing within 10 days of cessation
14 of the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of
15 time shall not apply to the reduction of the probation period. It is a violation of probation for
16 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
17 period exceeding three years.

18 “Cessation of practice” means any period of time exceeding 30 days in which
19 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of
20 the Business and Professions Code.

21 Respondent shall work at least 40 hours in each calendar month as a pharmacist
22 and at least an average of 80 hours per month in any six consecutive months. Failure to do so
23 will be a violation of probation. If Respondent has not complied with this condition during
24 the probationary term, and Respondent has presented sufficient documentation of his good
25 faith efforts to comply with this condition, and if no other conditions have been violated, the
26 Board, in its discretion, may grant an extension of Respondent’s probation period up to one
27 year without further hearing in order to comply with this condition.

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1 17. **Violation of Probation.** If Respondent Saadeh violates probation in
2 any respect, the Board, after giving Respondent notice and an opportunity to be heard, may
3 revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke
4 probation or an accusation is filed against Respondent during probation, the Board shall have
5 continuing jurisdiction and the period of probation shall be extended, until the petition to
6 revoke probation or accusation is heard and decided.

7 If Respondent has not complied with any term or condition of probation, the
8 Board shall have continuing jurisdiction over Respondent, and probation shall automatically
9 be extended until all terms and conditions have been satisfied or the Board has taken other
10 action as deemed appropriate to treat the failure to comply as a violation of probation, to
11 terminate probation, and to impose the penalty which was stayed.

12 18. **Completion of Probation.** Upon successful completion of probation,
13 Respondent's licenses will be fully restored.

14 19. **Rehabilitation Program - Pharmacists Recovery Program (PRP).**
15 Within 30 days of the effective date of this decision, Respondent Saadeh shall contact the
16 Pharmacists Recovery Program for evaluation and shall successfully participate in and
17 complete the treatment contract and any subsequent addendums as recommended and
18 provided by the PRP and as approved by the Board. The costs for PRP participation shall be
19 borne by Respondent Saadeh.

20 If Respondent Saadeh is currently enrolled in the PRP, said participation is now
21 mandatory and is no longer considered a self-referral under Business and Professions Code
22 section 4363, as of the effective date of this decision. Respondent shall successfully
23 participate in and complete his current contract and any subsequent addendums with the PRP.
24 Probation shall be automatically extended until Respondent Saadeh successfully completes his
25 treatment contract. Any person terminated from the program shall be automatically suspended
26 upon notice by the board. Respondent may not resume the practice of pharmacy until notified
27 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate
28 probation for any violation of this term.

1 20. **Random Drug Screening.** Respondent Saadeh, at his own expense,
2 shall participate in random testing, including but not limited to biological fluid testing (urine,
3 blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board.
4 The length of time shall be for the entire probation period and the frequency of testing will be
5 determined by the Board. At all times respondent shall fully cooperate with the Board, and
6 shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics,
7 hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as
8 directed shall constitute a violation of probation. Any confirmed positive drug test shall result
9 in the immediate suspension of practice by Respondent Saadeh. Respondent Saadeh may not
10 resume the practice of pharmacy until notified by the Board in writing.

11 21. **Abstain from Drugs and Alcohol Use.** Respondent Saadeh shall
12 completely abstain from the possession or use of alcohol, controlled substances, dangerous
13 drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a
14 licensed practitioner as part of a documented medical treatment. Upon request of the Board,
15 Respondent Saadeh shall provide documentation from the licensed practitioner that the
16 prescription was legitimately issued and is a necessary part of the treatment of Respondent
17 Saadeh.

18 22. **Supervised Practice.** Respondent Saadeh shall practice only under the
19 supervision of a pharmacist not on probation with the Board. Respondent Saadeh shall not
20 practice until the supervisor is approved by the Board. The supervision shall be, as required
21 by the Board, either:

- 22 Continuous - 75% to 100% of a work week
- 23 Substantial - At least 50% of a work week
- 24 Partial - At least 25% of a work week
- Daily Review - Supervisor's review of probationer's daily activities within 24 hours

25 Within 30 days of the effective date of this decision, Respondent Saadeh shall have his
26 supervisor submit notification to the Board in writing stating the supervisor has read the
27 decision in case number 2924 and is familiar with the level of supervision as determined by
28 the Board.

1 If Respondent Saadeh changes employment, Respondent Saadeh shall have his
2 new supervisor, within 15 days after employment commences, submit notification to the Board
3 in writing stating the direct supervisor and pharmacist-in-charge have read the decision in case
4 number 2924 and is familiar with the level of supervision as determined by the Board.


5 Within 10, days of leaving employment, Respondent Saadeh shall notify the
6 Board in writing.

7 23. **No New or Additional Ownership of Premises.** Respondent Saadeh
8 shall not acquire any new ownership, legal or beneficial interest nor serve as a manager,
9 administrator, member, officer, director, trustee, associate, or partner of any additional
10 business, firm, partnership, or corporation licensed by the Board. If Respondent Saadeh
11 currently owns or has any legal or beneficial interest in, or serves as a manager, administrator,
12 member, officer, director, associate, or partner of any business, firm, partnership, or
13 corporation currently or hereinafter licensed by the Board, Respondent Saadeh may continue
14 to serve in such capacity or hold that interest, but only to the extent of that position or interest
15 as of the effective date of this decision.

16 ACCEPTANCE

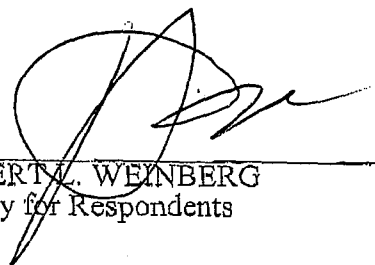
17 I, Dennis Elias Saadeh, on my own behalf and on behalf of Park Pharmacy,
18 have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect
20 it will have on my Original Pharmacist License and the Original Pharmacy Permit issued to
21 Park Pharmacy. I enter into this Stipulated Settlement and Order on my own behalf and on
22 behalf of Park Pharmacy voluntarily, knowingly, and intelligently, and agree to be bound by
23 the Decision and Order of the Board of Pharmacy.

24 DATED: 3-12-08

25
26 
27 DENNIS ELIAS SAADEH
28 Individually and on behalf of
PARK PHARMACY as Owner
Respondents

1 I have read and fully discussed with Respondent Dennis Elias Saadeh the terms
2 and conditions and other matters contained in the above Stipulated Settlement and
3 Disciplinary Order. I approve its form and content.

4 DATED: 3/18/08



HERBERT L. WEINBERG
Attorney for Respondents

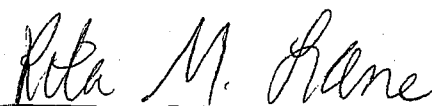
ENDORSEMENT

11 The foregoing Stipulated Settlement and Disciplinary Order is hereby
12 respectfully submitted for consideration by the Board of Pharmacy of the Department of
13 Consumer Affairs.

14 DATED: 4/9/08

EDMUND G. BROWN JR., Attorney General
of the State of California

LINDA K. SCHNEIDER
Supervising Deputy Attorney General



RITA M. LANE
Deputy Attorney General

Attorneys for Complainant

27 DOJ Matter ID: SD2005701199
28 80214181.wpd



Exhibit A

First Amended Accusation No. 2924

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 RITA M. LANE, State Bar No. 171352
Deputy Attorney General
4 California Department of Justice
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13 **STATE OF CALIFORNIA**

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Co-Owner/Pharmacist-in-Charge
16 **TINA MARIE SULIC-SAADEH**
Co-Owner
17 250 East Yale Loop, Suite C
Irvine, CA 92064

**FIRST AMENDED
ACCUSATION**

18 Original Pharmacy Permit No. PHY 41748

19 **DENNIS ELIAS SAADEH, RPH**
20 653 Via Faisan
San Clemente, CA 92673

21 Pharmacist License No. RPH 41232

22 **TINA MARIE SULIC-SAADEH, RPH**
23 653 Via Faisan
San Clemente, CA 92673

24 Pharmacist License No. RPH 41234

25 Respondents.

26
27
28 Complainant alleges:

PARTIES

1
2 1. Virginia Herold (Complainant) brings this First Amended Accusation
3 solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
4 Consumer Affairs.

5 2. On or about February 18, 2007, Accusation No. 2924 was filed against
6 Respondent Dennis Elias Saadeh. This First Amended Accusation supersedes and replaces the
7 former Accusation that was filed on February 18, 2007 in this case.

8 3. On or about August 1, 1996, the Board of Pharmacy issued Original
9 Pharmacy Permit No. PHY 41748 to Dennis E. Saadeh and Tina M. Sulic-Saadeh to do business
10 as Park Pharmacy (Respondent Park Pharmacy). On or about April 7, 2002, a Change of Permit
11 was filed with the Board changing the name of the corporation to South Coast Specialty
12 Compound with Dennis Saadeh as the CEO and President and Tina Sulic-Saadeh as the Secretary
13 and Treasurer. From August 1, 1996 through June 14, 1997, Tina M. Sulic-Saadeh was the
14 Pharmacist-in-Charge. From June 14, 1997 through September 4, 2007, Dennis Saadeh was and
15 is the Pharmacist-in-Charge. The Original Pharmacy permit was in full force and effect at all
16 times relevant to the charges brought herein and will expire on August 1, 2008, unless renewed.

17 4. On or about September 26, 1987, the Board of Pharmacy issued
18 Pharmacist License Number RPH 41232 to Dennis Elias Saadeh, RPH (Respondent Saadeh).
19 The Pharmacist License was in full force and effect at all times relevant to the charges brought
20 herein and will expire on August 31, 2008, unless renewed. At all times relevant herein,
21 Respondent Saadeh was and is the Pharmacist-in-Charge (PIC) at Respondent Park Pharmacy.

22 5. On or about August 24, 1987, the Board of Pharmacy issued Pharmacist
23 License Number RPH 41234 to Tina Marie Sulic-Saadeh, RPH (Respondent Sulic-Saadeh). The
24 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
25 and will expire on March 31, 2009, unless renewed.

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1 11. Section 4022 of the Code states:

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

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

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

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

12 12. Section 4059 states:

13 (a) A person may not furnish any dangerous drug, except upon the prescription of
14 a physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any
15 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or
16 veterinarian.

17 13. Section 4060 states:

18 No person shall possess any controlled substance, except that furnished to
19 a person upon the prescription of a physician, dentist, podiatrist, or veterinarian,
20 or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant
21 to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician
22 assistant pursuant to Section 3502.1. This section shall not apply to the
23 possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
24 physician, podiatrist, dentist, veterinarian, certified nurse-midwife, nurse
25 practitioner, or physician assistant, when in stock in containers correctly labeled
26 with the name and address of the supplier or producer.

27 Nothing in this section authorizes a certified nurse-midwife, a nurse
28 practitioner, or a physician assistant to order his or her own stock of dangerous
drugs and devices.

 14. Section 4113(b) provides that the pharmacist-in-charge shall be
responsible for a pharmacy's compliance with all state and federal laws and regulations
pertaining to the practice of pharmacy.

 15. Section 4156 states:

 A pharmacy corporation shall not do, or fail to do, any act where doing or
failing to do the act would constitute unprofessional conduct under any statute or
regulation. In the conduct of its practice, a pharmacy corporation shall observe
and be bound by the laws and regulations that apply to a person licensed under
this chapter.

1 16. Section 4301 states:

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

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

9 (h) The administering to oneself, of any controlled substance, or the use of
10 any dangerous drug or of alcoholic beverages to the extent or in a manner as to be
11 dangerous or injurious to oneself, to a person holding a license under this chapter,
12 or to any other person or to the public, or to the extent that the use impairs the
13 ability of the person to conduct with safety to the public the practice authorized by
14 the license.

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

17 (k) The conviction of more than one misdemeanor or any felony involving
18 the use, consumption, or self-administration of any dangerous drug or alcoholic
19 beverage, or any combination of those substances.

20 (l) The conviction of a crime substantially related to the qualifications,
21 functions, and duties of a licensee under this chapter. The record of conviction of
22 a violation of Chapter 13 (commencing with Section 801) of Title 21 of the
23 United States Code regulating controlled substances or of a violation of the
24 statutes of this state regulating controlled substances or dangerous drugs shall be
25 conclusive evidence of unprofessional conduct. In all other cases, the record of
26 conviction shall be conclusive evidence only of the fact that the conviction
27 occurred. The board may inquire into the circumstances surrounding the
28 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.

1 (o) Violating or attempting to violate, directly or indirectly, or assisting in
2 or abetting the violation of or conspiring to violate any provision or term of this
3 chapter or of the applicable federal and state laws and regulations governing
4 pharmacy, including regulations established by the board.

5 (p) Actions or conduct that would have warranted denial of a license.

6 17. California Code of Regulations, title 16, section 1715.6 states that an
7 owner shall report to the Board within thirty (30) days of discovery of any loss of the controlled
8 substances, including their amounts and strengths.

9 18. California Code of Regulations, title 16, section 1718, states:

10 "Current Inventory" as used in Sections 4081 and 4332 of the Business
11 and Professions Code shall be considered to include complete accountability for
12 all dangerous drugs handled by every licensee enumerated in Sections 4081 and
13 4332.

14 The controlled substances inventories required by Title 21, CFR, Section
15 1304 shall be available for inspection upon request for at least 3 years after the
16 date of the inventory.

17 19. Health and Safety Code section 11103 provides that the theft or loss of any
18 substance regulated pursuant to Section 11100 discovered by any permittee or any person
19 regulated by the provisions of this chapter shall be reported in writing to the Department of
20 Justice within three (3) days after the discovery.

21 20. Health and Safety Code section 11170 provides that no person shall
22 prescribe, administer, or furnish a controlled substance for himself.

23 21. Health and Safety Code section 11171 provides that no person shall
24 prescribe, administer, or furnish a controlled substance except under the conditions and in the
25 manner provided by the state Uniform Controlled Substances Act, Health and Safety Code
26 section 11000 et seq.

27 22. Health and Safety Code section 11173(a) provides, in pertinent part, that
28 no person shall obtain, or attempt to obtain controlled substances by fraud, deceit,
misrepresentation, or subterfuge.

29 23. Board Regulation 1770 provides that a crime shall be considered
substantially related to the qualifications, functions or duties of a licensee if to a substantial

1 degree it evidences present or potential unfitness of a licensee to perform the functions
2 authorized by his or her license in a manner consistent with the public health, safety, or welfare.

3 **Drugs**

4 24. At all times material herein, Hydrocodone was and is the generic name for
5 the trade name drug Vicodin, which is designated by Health and Safety Code section 11056(e)(4)
6 as a narcotic drug and a Schedule III controlled substance, and by Business and Professions Code
7 section 4022 as a dangerous drug. Hydrocodone is used as a narcotic analgesic in the relief of
8 pain.

9 25. At all times material herein, Alprazolam was and is the generic name for
10 the trade name drug Xanax, which is designated by Health and Safety Code section 11057(d)(1)
11 as a Schedule IV controlled substance, and by Business and Professions Code section 4022 as a
12 dangerous drug. Alprazolam is used in the treatment of anxiety.

13 26. At all times material herein, Methylphenidate was and is the generic name
14 for trade name drugs such as Ritalin and Concerta. Methylphenidate is designated as a Schedule
15 II Controlled Substance according to Health and Safety Code section 11055(d)(6) and is
16 classified as a dangerous drug according to Business and Professions Code section 4022.
17 Methylphenidate is used in the treatment of Attention Deficit Hyperactivity disorders.

18 27. At all times material herein, Valium was and is a trade name for the
19 generic drug Diazepam, which is designated by Health and Safety Code section 11057(d)(3) as a
20 non-narcotic drug and a Schedule IV controlled substance, and by Business and Professions Code
21 section 4022 as a dangerous drug. Valium is used in the management of anxiety.

22 28. At all times material herein, Elavil was and is the trade name for the
23 generic drug Amitriptyline, which is a dangerous drug within the meaning of Business and
24 Professions Code section 4022. Elavil is used for the treatment of depression.

25 **FACTS**

26 29. Complainant is informed and believes, and thereon alleges, that,
27 Respondent Saadeh, while the pharmacist-in-charge (PIC) and owner of Park Pharmacy, illegally
28 took controlled substances and dangerous drugs from Park Pharmacy from the time period of

1 2003 through 2005. On or about October 13, 2005, an inspector for the Board inspected Park
2 Pharmacy and confirmed that Respondent Saadeh was missing controlled substances and
3 dangerous drugs from his inventory. Respondent Saadeh had not completed a DEA 106 form
4 and did not know the exact quantity of the medications that he had taken from Park Pharmacy for
5 his own personal use. During the inspection, the inspector found the following controlled
6 substances and dangerous drugs had been diverted or there was a discrepancy in the inventory
7 amount by Respondent Saadeh from Park Pharmacy during the time period of 2003 through
8 2005:

9	Drug	Amount
10	Hydrocodone	Loss of 651 tablets
11	Alprazolam	Showed discrepancy of an excess of 1698 tablets
12	Methylphenidate	Showed discrepancy of an excess of 149 tablets

13 To date, Respondent Saadeh has not filed any loss report with the Board, Federal Drug
14 Enforcement or Department of Justice as required by law.

15 30. On or about May 12, 2004, while Respondent Saadeh was the owner and
16 PIC at Park Pharmacy, Respondent Saadeh was involved in a single car accident wherein his
17 vehicle hit the center divide and his car sustained major front-end damage and both airbags were
18 deployed. Respondent Saadeh told the responding officer that he was sleepy and had taken
19 Vicodin, Valium and Elavil. Respondent Saadeh told the officer that he did not have
20 prescriptions for the drugs. Respondent Saadeh failed a field sobriety test and was arrested for
21 being under the influence of drugs. A search of Respondent Saadeh's car revealed 3.56 grams of
22 Methylphenidate, two tablets of Alprazolam and 2 capsules of Hydrocodone. Respondent
23 Saadeh's subsequent drug screen revealed the presence of opiates in Respondent Saadeh's
24 system.

25 31. On or about September 17, 2004, in the Superior Court of California,
26 County of Orange, in a case entitled *People v. Dennis Saadeh*, Case No. 04HF0870, Respondent
27 Saadeh was convicted on his plea of guilty of violating Health and Safety Code section 11350(a)
28 (Unlawful Possession of Hydrocodone), a felony; Health and Safety Code section 11377(a)

1 (Possession of Methylphenidate), a felony; Health and Safety Code section 11375(b)(2)
2 (Possession of Alprazolam), a misdemeanor; and Vehicle Code section 23152(a) (Driving While
3 Under the Influence of Drugs), a misdemeanor. Respondent Saadeh was sentenced as follows:

4 a. Respondent Saadeh was placed on three years formal probation on the
5 terms and conditions that he serve 90 days in the Orange County Jail with credit for time served
6 of 2 days; his 90 days jail to be served as 90 days in a residential drug program; he attend and
7 complete a 3 month Level 1 First Offender Alcohol Program; pay a fine of \$390; pay a restitution
8 fee of \$200; pay a \$50 controlled substance lab fee; pay a \$50 Alcohol abuse education fee; pay a
9 \$37 DUI Lab/Blood Alcohol fee; pay a \$20 Security fee; register pursuant to Health and Safety
10 Code section 11590; use no unauthorized drugs; and submit to drug testing.

11 CHARGES AND ALLEGATIONS

12 RESPONDENT DENNIS ELIAS SAADEH, RPH

13 FIRST CAUSE FOR DISCIPLINE

14 (Conviction of a Crime Substantially Related to Pharmacy)

15 32. Respondent Saadeh is subject to disciplinary action under section 4301 for
16 unprofessional conduct in that he was convicted of a crime substantially related to the
17 qualifications, functions and duties of a licensee under this chapter in violation of sections 490
18 and 4301(1) and as set forth above in paragraphs 30 and 31, which are realleged and incorporated
19 herein by reference.

20 SECOND CAUSE FOR DISCIPLINE

21 (Conviction of More Than one Misdemeanor or Felony Involving
22 the Use, Consumption or Self-Administration of any Dangerous Drug)

23 33. Respondent Saadeh is subject to disciplinary action under section 4301(k)
24 for unprofessional conduct in that Respondent Saadeh was convicted of two misdemeanors and
25 two felonies involving the use, consumption and self-administration of dangerous drugs as set
26 forth in paragraphs 30 and 31 above, which are realleged and incorporated herein by reference.

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THIRD CAUSE FOR DISCIPLINE

(Furnishing Dangerous Drugs To Himself Without a Prescription)

34. Respondent Saadeh is subject to disciplinary action under section 4301(o) for unprofessional conduct in that he furnished to himself dangerous drugs, namely Elavil, Vicodin and Valium, without a prescription, in violation of section 4059(a) as set forth in paragraph 30 above, which is realleged and incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(No Person Shall Prescribe, Administer or Furnishing a Controlled Substance for Himself)

35. Respondent Saadeh is subject to disciplinary action under section 4301(o) for unprofessional conduct in that he administered and furnished to himself Vicodin, a Schedule III controlled substance, and Valium, a Schedule IV controlled substance in violation of Health and Safety Code section 11170 as set forth in paragraph 30 above, which is realleged and incorporated herein by reference.

FIFTH CAUSE FOR DISCIPLINE

(Administering and Furnishing Controlled Substances in Violation of State Law)

36. Respondent Saadeh is subject to disciplinary action under section 4301(j) for unprofessional conduct, in that he administered and furnished the controlled substances Vicodin and Valium to himself in violation of Health and Safety Code section 11171 as set forth in paragraph 30 above, which is realleged and incorporated herein by reference.

SIXTH CAUSE FOR DISCIPLINE

(Possession of a Controlled Substance Without a Prescription)

37. Respondent Saadeh is subject to disciplinary action under section 4301(o) for unprofessional conduct in that he possessed the controlled substances, Hydrocodone, Alprazolam and Methylphenidate, without a prescription in violation of section 4060 as set forth in paragraphs 29 and 30 above, which are realleged and incorporated herein by reference.

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1 and state laws and regulations governing pharmacy when Respondent Saadeh illegally furnished
2 and administered to himself controlled substances and dangerous drugs as set forth in paragraphs
3 29 and 30 above, which are realleged and incorporated herein by reference.

4 TWELFTH CAUSE FOR DISCIPLINE

5 (Failure to Report Drug Loss)

6 43. Respondent Saadeh is subject to disciplinary action under California Code
7 of Regulations, title 16, section 1715.6 in that he did not report the losses of controlled
8 substances he created when he illegally took controlled substances out of the pharmacy for his
9 personal use as set forth in paragraphs 29 and 30 above, which are realleged and incorporated
10 herein by reference.

11 THIRTEENTH CAUSE FOR DISCIPLINE

12 (Failure to Report Theft or Loss of Controlled Substances)

13 44. Respondent Saadeh is subject to disciplinary action under Health and
14 Safety Code section 11103 in that he did not report the controlled substances he illegally took
15 from his pharmacy for personal use to the Department of Justice within the required three days as
16 set forth in paragraph 29 above, which is realleged and incorporated herein by reference.

17 FOURTEENTH CAUSE FOR DISCIPLINE

18 (Failure to Keep Current Inventory on Dangerous Drugs as Owner and Pharmacist-in-Charge)

19 45. Respondent Saadeh is subject to disciplinary action under California Code
20 of Regulations, title 16, section 1718 in that he did not have a complete accounting for all the
21 dangerous drugs at Park Pharmacy where he was the owner and the PIC as set forth in paragraph
22 29 above, which is realleged and incorporated herein by reference.

23 FIFTEENTH CAUSE FOR DISCIPLINE

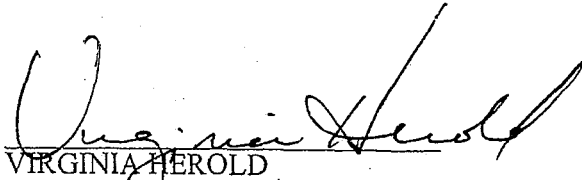
24 (Failure to Meet Responsibilities of Pharmacist-in-Charge)

25 46. Respondent Saadeh is subject to disciplinary action under section 4113(b)
26 in that as owner and PIC, he violated state and federal laws and regulations governing the
27 practice of pharmacy as set forth in paragraph 29 above, which is realleged and incorporated
28 herein by reference.

1 investigation and enforcement of this case, pursuant to Business and Professions Code section
2 125.3; and

3 E. Taking such other and further action as deemed necessary and proper.

4 DATED: 12/19/07



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

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