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

In the Matter of the Accusation Against:

Case No. 3629

**ABDULLAH KHAIRZADA**  
2096 Aldengate Way  
Hayward, CA 94545

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**Pharmacy Technician License No. TCH 66070**

Respondent.

FINDINGS OF FACT

1. On or about August 26, 2010, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3629 against Abdullah Khairzada (Respondent) before the Board of Pharmacy. (A true and correct copy of the Accusation is attached hereto as exhibit A.)

2. On or about February 9, 2006, the Board of Pharmacy (Board) issued Pharmacy Technician License No. TCH 66070 to Respondent. The License was in full force and effect at all times relevant to the charges herein and will expire on August 31, 2011, unless renewed.

3. On or about November 1, 2010, Respondent was served by Certified and First Class Mail with copies of: Accusation No. 3629; a Statement to Respondent, a Notice of Defense (2 copies); a Request for Discovery; and the Discovery Statutes (Gov.Code, §§ 11507.5, 11507.6, 11507.7) at Respondent's address of record, which was and is: 2096 Aldengate Way, Hayward, CA, 94545. Pursuant to Business and Professions Code section 136 and/or 4100, and/or California Code of Regulations, title 16, section 1704, Respondent's address of record, and any changes thereto, are required to be reported and maintained with the Board of Pharmacy (Board).

1 4. Service of the Accusation was effective as a matter of law under Government Code  
2 section 11505, subdivision (c) and/or Business and Professions Code section 124.

3 5. On or about November 22, 2010, the copy of the aforementioned documents sent by  
4 Certified Mail was returned by the U.S. Postal Service marked "Attempted – Not Known." On or  
5 about November 29, 2010, the copy sent by Certified Mail was also returned with this notation.

6 6. Government Code section 11506 states, in pertinent part:

7 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
8 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
9 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

10 7. Respondent failed to file a Notice of Defense within 15 days after service on him of  
11 the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 3629.

12 8. California Government Code section 11520 states, in pertinent part:

13 (a) If the respondent either fails to file a notice of defense or to appear at the  
14 hearing, the agency may take action based upon the respondent's express admissions  
15 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

16 9. Pursuant to its authority under Government Code section 11520, the Board finds  
17 Respondent is in default. The Board will take action without further hearing and, based on the  
18 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,  
19 as well as taking official notice of all the investigatory reports, exhibits and statements contained  
20 therein on file at the Board's offices regarding the allegations contained in Accusation No. 3629,  
21 finds that the charges and allegations in Accusation No. 3629, are separately and severally true  
22 and correct by clear and convincing evidence.

23 10. Taking official notice of its own internal records, pursuant to Business and  
24 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
25 and Enforcement are \$2,182.50 as of December 2, 2010.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Abdullah Khairzada has  
28 subjected his Pharmacy Technician License No. TCH 66070 to discipline.

1           2.     The agency has jurisdiction to adjudicate this case by default.

2           3.     The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
3 License based upon the following violations alleged in the Accusation which are supported by the  
4 evidence contained in the Default Decision Investigatory Evidence Packet in this case.:

5           a.     In violation of Business and Professions Code section(s) 4301(I) and/or 490, by  
6 reference to California Code of Regulations, title 16, section 1770, Respondent was convicted of  
7 a substantially related crime, when on or about September 16, 2008, in a criminal case titled  
8 *People v. Sair Ahmad Khairzada, Abdullah Khairzada*,, Case No(s). 410646B and/or H45556B in  
9 Alameda County Superior Court, Respondent was convicted of violating Penal Code section 459  
10 (Residential Burglary – 2nd Degree), a felony.

11          b.     In violation of Business and Professions Code section 4301(f), Respondent, as  
12 described above, did acts involving moral turpitude, dishonesty, fraud, deceit, or corruption;

13          c.     In violation of Business and Professions Code section 4301, Respondent, as described  
14 above, engaged in unprofessional conduct.

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ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 66070, heretofore issued to Respondent Abdullah Khairzada, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 28, 2011.

It is so ORDERED February 25, 2011.

STANLEY C. WEISSER, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

10624068.DOC  
DOJ Matter ID:SF2010200600

Attachment:  
Exhibit A: Accusation

**Exhibit A**  
**Accusation**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 JOSHUA A. ROOM  
Deputy Attorney General  
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5 San Francisco, CA 94102-7004  
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6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3629

11 **ABDULLAH KHAIRZADA**  
12 2096 Aldengate W, # 312  
13 Hayward, CA 94545

**A C C U S A T I O N**

14 **Pharmacy Technician License No. TCH 66070**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

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

20 2. On or about February 9, 2006, the Board of Pharmacy issued Pharmacy Technician  
21 License No. TCH 66070 to Abdullah Khairzada (Respondent). The Pharmacy Technician  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on August 31, 2011, unless renewed.

24  
25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code (Code) unless otherwise indicated.



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

2 "For the purpose of denial, suspension, or revocation of a personal or facility license  
3 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a  
4 crime or act shall be considered substantially related to the qualifications, functions or duties of a  
5 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a  
6 licensee or registrant to perform the functions authorized by her license or registration in a  
7 manner consistent with the public health, safety, or welfare."

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

11  
12 FIRST CAUSE FOR DISCIPLINE

13 (Conviction of Substantially Related Crime(s))

14 11. Respondent is subject to discipline under section 4301(1) and/or section 490 of the  
15 Code, by reference to California Code of Regulations, title 16, section 1770, for the conviction of  
16 substantially related crime(s), in that on or about September 16, 2008, in the criminal case *People*  
17 *v. Sair Ahmad Khairzada, Abdullah Khairzada*, Case No(s). 410646B and/or H45556B in  
18 Alameda County Superior Court, Respondent was convicted of violating Penal Code section 459  
19 (Residential Burglary – 2nd Degree), a felony. The conviction was entered as follows:

20 a. On or about April 8, 2008, Respondent and his co-defendant broke into a home  
21 in Hayward, CA and removed various items worth thousands of dollars. On or about May 13,  
22 2008, Respondent and his co-defendant were charged by criminal Complaint in Case No.  
23 410646B with violating Penal Code section 459 (Residential Burglary – 1st Degree), a felony.

24 b. On or about September 16, 2008, Respondent pleaded no contest to a lesser-  
25 included charge of violating Penal Code section 459 (Residential Burglary – 2nd Degree) a  
26 felony. On or about October 15, 2008, imposition of sentence on Respondent was suspended in  
27 favor of a formal probation of five (5) years, on terms and conditions including six (6) months in  
28 county jail (1 day CTS), a stay-away order from the victim (his ex-wife), and fines and fees.



1 SECOND CAUSE FOR DISCIPLINE

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

3 12. Respondent is subject to discipline under section 4301(f) of the Code, in that, as  
4 described in paragraph 11 above, on one or more occasions Respondent committed acts involving  
5 moral turpitude, dishonesty, fraud, deceit, or corruption.

6  
7 THIRD CAUSE FOR DISCIPLINE

8 (Unprofessional Conduct)

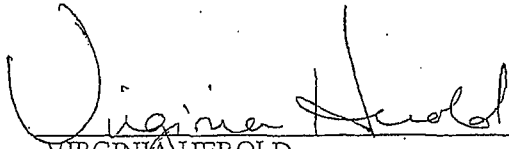
9 13. Respondent is subject to discipline under section 4301 of the Code in that, as  
10 described in paragraphs 11 and 12 above, Respondent engaged in unprofessional conduct.

11  
12 PRAYER

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

- 15 1. Revoking or suspending Pharmacy Technician License No. TCH 66070, issued to  
16 Abdullah Khairzada (Respondent);
- 17 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
18 enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 19 3. Taking such other and further action as is deemed necessary and proper.

20  
21 DATED: 8/26/10

  
22 VIRGINIA HEROLD  
23 Executive Officer  
24 Board of Pharmacy  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant

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