

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

In the Matter of the Accusation Against:

Case No. 3690

**ANTHONY J. KAMEL**  
6 Castlebar  
Irvine, CA 92615

Pharmacy Technician License No. TCH 62157

Respondent.

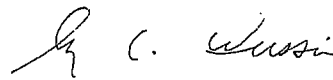
**DECISION AND ORDER**

The attached Stipulated Surrender of License and 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 September 29, 2010.

It is so ORDERED on August 30, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
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*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:  
13 ANTHONY J. KAMEL  
6 Castlebar  
14 Irvine, CA 92615  
15 Pharmacy Technician Registration No. TCH  
62157  
16  
17 Respondent.

Case No. 3690

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
20 proceeding that the following matters are true:

21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
23 She brought this action solely in her official capacity and is represented in this matter by Edmund  
24 G. Brown Jr., Attorney General of the State of California, by Nicole R. Cook, Deputy Attorney  
25 General.

26 2. Anthony J. Kamel (Respondent) is represented in this proceeding by attorney Hani  
27 Bushra, whose address is 16541 Gothard Street, Suite 208, in Huntington Beach, California  
28 92647.

1           3. On or about April 27, 2005, the Board of Pharmacy issued Pharmacy Technician  
2 Registration Number TCH 62157 to Anthony J. Kamel (Respondent). The license was in full  
3 force and effect at all times relevant to the charges brought in Accusation No. 3690 and will  
4 expire on February 28, 2011, unless renewed.

5                                 JURISDICTION

6           4. Accusation No. 3690 was filed before the Board of Pharmacy (Board) Department of  
7 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
8 statutorily required documents were properly served on Respondent on May 14, 2010.  
9 Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation  
10 No. 3690 is attached as exhibit A and incorporated herein by reference.

11                                 ADVISEMENT AND WAIVERS

12           5. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 3690. Respondent also has carefully read, fully  
14 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
15 Order.

16           6. Respondent is fully aware of his legal rights in this matter, including the right to a  
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
20 documents; the right to reconsideration and court review of an adverse decision; and all other  
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22           7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24                                 CULPABILITY

25           8. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 3690, agrees that cause exists for discipline and hereby surrenders his Pharmacy Technician  
27 Registration Number TCH 62157 for the Board's formal acceptance.  
28

1 9. Respondent understands that by signing this stipulation he enables the Board to issue  
2 an order accepting the surrender of his Pharmacy Technician Registration Number without further  
3 process.

#### 4 CONTINGENCY

5 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
6 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
7 communicate directly with the Board regarding this stipulation and surrender, without notice to or  
8 participation by Respondent or his counsel. By signing the stipulation, Respondent understands  
9 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the  
10 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its  
11 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or  
12 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
13 and the Board shall not be disqualified from further action by having considered this matter.

14 11. The parties understand and agree that facsimile copies of this Stipulated Surrender of  
15 License and Order, including facsimile signatures thereto, shall have the same force and effect as  
16 the originals.

17 12. This Stipulated Surrender of License and Order is intended by the parties to be an  
18 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
19 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
20 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
21 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
22 executed by an authorized representative of each of the parties.

23 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
24 the Board may, without further notice or formal proceeding, issue and enter the following Order:  
25  
26  
27  
28

ORDER

1  
2 IT IS HEREBY ORDERED that Pharmacy Technician Registration Number TCH 62157,  
3 issued to Respondent Anthony J. Kamel, is surrendered and accepted by the Board of Pharmacy.

4 14. The surrender of Respondent's Pharmacy Technician Registration and the acceptance  
5 of the surrendered license by the Board shall constitute the imposition of discipline against  
6 Respondent. This stipulation constitutes a record of the discipline and shall become a part of  
7 Respondent's license history with the Board.

8 15. Respondent shall lose all rights and privileges as a pharmacy technician in California  
9 as of the effective date of the Board's Decision and Order.

10 16. Respondent shall cause to be delivered to the Board both his wall license certificate  
11 and, if one was issued, pocket license on or before the effective date of the Decision and Order.

12 17. If Respondent ever files an application for licensure or a petition for reinstatement in  
13 the State of California, the Board shall treat it as a new application for licensure.

14 18. Respondent shall pay the Board its costs of investigation and enforcement in the  
15 amount of \$1,165.00 prior to issuance of a new or reinstated license.

16 19. Respondent may not apply for any license, permit or registration from the Board for  
17 three (3) years from the effective date of this decision. Respondent stipulates that should he  
18 apply for any license from the Board on or after the effective date of this decision, all allegations  
19 set forth in Accusation No. 3690 shall be deemed to be true, correct and admitted by Respondent  
20 when the Board determines whether to grant or deny the application. Respondent shall satisfy all  
21 requirements applicable to that license as of the date the application is submitted to the Board  
22 prior to issuance of a new license. Respondent is required to report this surrender as disciplinary  
23 action.

24 ///

25 ///

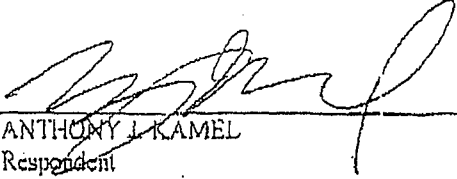
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Hani Bushra. I understand the stipulation and the effect it will have on my Pharmacy Technician Registration Number. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6-30-2010   
ANTHONY J. KAMEL  
Respondent


I have read and fully discussed with Respondent Anthony J. Kamel the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 7/1/2010   
HANI BUSHRA  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: June 16, 2010 Respectfully submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
NICOLE R. COOK  
Deputy Attorney General  
Attorneys for Complainant

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Exhibit A

Accusation No. 3690

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
Deputy Attorney General  
4 State Bar No. 263607  
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13 ANTHONY J. KAMEL  
6 Castlebar  
14 Irvine, CA 92615

ACCUSATION

15 Pharmacy Technician Registration No. TCH  
62157

16 Respondent.  
17

18  
19 Complainant alleges:

20 PARTIES

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

23 2. On or about April 27, 2005, the Board of Pharmacy issued Pharmacy Technician  
24 Registration Number TCH 62157 to Anthony J. Kamel (Respondent). The Pharmacy Technician  
25 Registration was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on February 28, 2011, unless renewed.  
27  
28



1 JURISDICTION

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

5 4. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
6 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
7 disciplinary action during the period within which the license may be renewed, restored, reissued  
8 or reinstated.

9 5. Section 4300, subdivision (a) of the Code states "Every license issued may be  
10 suspended or revoked."

11 STATUTORY PROVISIONS

12 6. Section 482 of the Code states:

13 Each board under the provisions of this code shall develop criteria to  
14 evaluate the rehabilitation of a person when:

15 (a) Considering the denial of a license by the board under Section 480; or

16 (b) Considering suspension or revocation of a license under Section 490.

17 Each board shall take into account all competent evidence of rehabilitation  
18 furnished by the applicant or licensee.

19 7. Section 490 of the Code provides, in pertinent part, that a board may suspend or  
20 revoke a license on the ground that the licensee has been convicted of a crime substantially  
21 related to the qualifications, functions, or duties of the business or profession for which the  
22 license was issued.

23 8. Section 493 of the Code states:

24  
25 Notwithstanding any other provision of law, in a proceeding conducted by a  
26 board within the department pursuant to law to deny an application for a license or  
27 to suspend or revoke a license or otherwise take disciplinary action against a  
28 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.

1 and the board may inquire into the circumstances surrounding the commission of  
2 the crime in order to fix the degree of discipline or to determine if the conviction is  
3 substantially related to the qualifications, functions, and duties of the licensee in  
4 question.

5 As used in this section, "license" includes "certificate," "permit,"  
6 "authority," and "registration."

7 9. Section 4060 of the Code states:

8 No person shall possess any controlled substance, except that furnished to a  
9 person upon the prescription of a physician, dentist, podiatrist, optometrist,  
10 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished  
11 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section  
12 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant  
13 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a  
14 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv)  
15 of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This  
16 section shall not apply to the possession of any controlled substance by a  
17 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,  
18 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse  
19 practitioner, or physician assistant, when in stock in containers correctly labeled  
20 with the name and address of the supplier or producer.

21 Nothing in this section authorizes a certified nurse-midwife, a nurse  
22 practitioner, a physician assistant, or a naturopathic doctor, to order his or her own  
23 stock of dangerous drugs and devices.

24 10. Section 4301 of the Code states:

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

.....  
(j) The violation of any of the statutes of this state, or 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

1 board may inquire into the circumstances surrounding the commission of the  
2 crime, in order to fix the degree of discipline or, in the case of a conviction not  
3 involving controlled substances or dangerous drugs, to determine if the conviction  
4 is of an offense substantially related to the qualifications, functions, and duties of a  
5 licensee under this chapter. A plea or verdict of guilty or a conviction following a  
6 plea of nolo contendere is deemed to be a conviction within the meaning of this  
7 provision. The board may take action when the time for appeal has elapsed, or the  
8 judgment of conviction has been affirmed on appeal or when an order granting  
9 probation is made suspending the imposition of sentence, irrespective of a  
10 subsequent order under Section 1203.4 of the Penal Code allowing the person to  
11 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
12 the verdict of guilty, or dismissing the accusation, information, or indictment.

13  
14  
15 11. Health and Safety Code section 11350 provides that every person who possesses a  
16 controlled substance, unless upon the prescription of a physician, dentist, podiatrist, or  
17 veterinarian, licensed to practice in this state, shall be punished by imprisonment in the state  
18 prison.

### 19 REGULATORY PROVISIONS

20  
21 12. California Code of Regulations, title 16, section 1770, states:

22  
23 For the purpose of denial, suspension, or revocation of a personal or facility  
24 license pursuant to Division 1.5 (commencing with Section 475) of the Business  
25 and Professions Code, a crime or act shall be considered substantially related to  
26 the qualifications, functions or duties of a licensee or registrant if to a substantial  
27 degree it evidences present or potential unfitness of a licensee or registrant to  
28 perform the functions authorized by his license or registration in a manner  
consistent with the public health, safety, or welfare.

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

.....  
(b) When considering the suspension or revocation of a facility or a  
personal license on the ground that the licensee or the registrant has been  
convicted of a crime, the board, in evaluating the rehabilitation of such person and  
his present eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

1 (4) Whether the licensee has complied with all terms of parole, probation,  
2 restitution or any other sanctions lawfully imposed against the licensee.

3 (5) Evidence, if any, of rehabilitation submitted by the licensee.

4 COST RECOVERY

5 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
6 the administrative law judge to direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

9 DRUGS

10 15. Oxycontin, the controlled-release oral formulation of Oxycodone, is a Schedule II  
11 controlled substance as designated by Health and Safety Code section 11055, subdivision  
12 (b)(1)(N), and is a dangerous drug pursuant to Business and Professions Code section 4022.

13 16. Hydrocodone is a Schedule II controlled substance as designated by Health and  
14 Safety Code section 11055(b)(1)(J), and is a dangerous drug pursuant to Business and Professions  
15 Code section 4022. Hydrocodone is a narcotic pain reliever.

16 17. Diazepam, is a Schedule IV controlled substance as designated by Health and Safety  
17 Code section 11057, and is a dangerous drug pursuant to Business and Professions Code section  
18 4022.

19 FIRST CAUSE FOR DISCIPLINE

20 (October 2, 2009 Conviction for Possession of Oxycontin on December 17, 2008)

21 18. Respondent is subject to disciplinary action under section under sections 490 and  
22 4301(l) of the Code in that he was convicted of crime that is substantially related to the  
23 qualifications, duties, and functions of a pharmacy technician. The circumstances are as follows:

24 a. On or about April 7, 2009, in a six count felony complaint, in a criminal  
25 proceeding entitled *People of the State of California v. Anthony Joe Kamel*, in Orange County  
26 Superior Court case number 09HF0612, Respondent was charged with 3 counts of violation of  
27 Health and Safety Code section 11351, possession for sale of a controlled substance, 2 counts of  
28 violation of Health and Safety Code section 11352, sale or transportation of a controlled

1 substance. and 1 count of violation of Health and Safety Code section 11378, possession for sale  
2 of a controlled substance. On or about October 2, 2009, Respondent pled guilty to an added  
3 count 7, violation of Health and Safety Code section 11350, possession of controlled substances  
4 or narcotics and the other counts were dismissed. In his guilty plea, Respondent admitted that he  
5 "willfully and unlawfully possessed a useable amount of Oxycontin."

6 b. The circumstances that led to the conviction are that on or about December 17,  
7 2008, officers from the Orange County Sheriff's Department narcotic detail served a search  
8 warrant on Respondent's business, vehicles, residence, and person. Upon serving the search  
9 warrant, a Police Investigator asked Respondent if there were any illegal narcotics inside his  
10 business to which Respondent replied, "no." When asked if there were any weapons inside the  
11 business, Respondent stated, "I don't think so."

12 c. Officers searched the business and discovered 1 loaded shotgun, 6 boxes of  
13 ammunition, 10 shotgun shells, currency, approximately 10 empty new pill bottles, 1 page of  
14 labels for various pills, and the following drugs, all of which are either controlled substances or  
15 dangerous drugs: 2 bottles containing sixty Aggrenox capsules, 3 bottles of Alubterol, 2 bottles of  
16 Hydrocodone (one bottle with approximately 500 pills and the other with approximately 400  
17 pills), 1 bottle containing approximately 900 Carisprodol pills, 1 sealed bottle containing 1000  
18 Diazepam pills, 1 bottle with approximately 18 Subutex pills, 1 bottle containing 16 Adderal pills,  
19 1 bottle containing 2 Hydrocodone pills, 1 bottle containing 5 Oxycontin pills. Upon searching  
20 the first vehicle, the investigators discovered 1 bottle containing 88 Oxycontin pills, 2 bottles  
21 containing 500 Hydrocodone pills each, 1 empty bottle of Oxycontin, 4 pay/owe sheets, and  
22 currency. The search of the second vehicle revealed 1 bottle containing Oxycontin pills. Upon  
23 searching Respondent's residence, \$5,455 in cash was stashed in various locations.

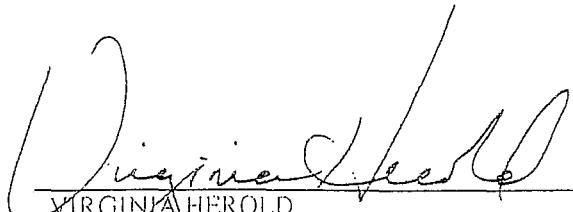
24 d. On or about January 8, 2010, Respondent was sentenced to serve 45 days in  
25 city jail or pay-to-stay jail, required to pay all fines, fees and restitution, and three years of  
26 probation.



1           2.    Ordering Anthony J. Kamel to pay the Board of Pharmacy the reasonable costs of the  
2 investigation and enforcement of this case, pursuant to Business and Professions Code section  
3 125.3;

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

5  
6  
7 DATED: 5/10/10

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

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