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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. 4267

OAH No. 2013030709

SEYED MASOUD EATEZADI
18136 Oxnard Street, #43
Tarzana, CA 91356

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

**Pharmacy Technician Registration No. TCH
102428**

Respondent.

FINDINGS OF FACT

1. On or about January 7, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4267 against Seyed Masoud Eatezadi ("Respondent") before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about June 3, 2010, the Board of Pharmacy ("Board") issued Pharmacy Technician Registration No. TCH 102428 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 4267

1 and will expire on July 31, 2013, unless renewed. This lapse in licensure, however, pursuant to
2 Business and Professions Code section 4300.1 does not deprive the Board of its authority to
3 institute or continue this disciplinary proceeding.

4 3. On or about January 16, 2013, Respondent was served by Certified and First Class
5 Mail copies of the Accusation No. 4267, Statement to Respondent, Notice of Defense, Request
6 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
7 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
8 section 4100, is required to be reported and maintained with the Board. Respondent's address of
9 record was and is: 18136 Oxnard Street, #43, Tarzana, CA 91356.

10 4. Service of the Accusation was effective as a matter of law under the provisions of
11 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
12 124.

13 5. On or about February 4, 2013, Respondent signed and returned a Notice of Defense,
14 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
15 address of record and it informed him that an administrative hearing in this matter was scheduled
16 for October 3, 2013. Respondent failed to appear at that hearing.

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

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 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.

21 7. California Government Code section 11520 states, in pertinent part:

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

25 8. Pursuant to its authority under Government Code section 11520, the Board finds
26 Respondent is in default. The Board will take action without further hearing and, based on the
27 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
28 taking official notice of all the investigatory reports, exhibits and statements contained therein on

1 file at the Board's offices regarding the allegations contained in Accusation No. 4267, finds that
2 the charges and allegations in Accusation No. 4267, are separately and severally, found to be true
3 and correct by clear and convincing evidence.

4 9. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$3,272.50 as of September 30, 2013.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Seyed Masoud Eatezadi has
9 subjected his Pharmacy Technician Registration No. TCH 102428 to discipline.

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

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

14 a. Business and Professions Code sections 490 and 4301, subdivision (l), in conjunction
15 with California Code of Regulations, title 16, section 1770, on the grounds of unprofessional
16 conduct in that Respondent was convicted of crimes substantially related to the qualifications,
17 functions, and duties of a registered pharmacy technician to wit, of one felony count of violating
18 Penal Code Section 245(a)(1) [assault with a deadly weapon not firearm] and one felony count of
19 violating Penal Code section 236 [false imprisonment] in the criminal proceeding entitled *The*
20 *People of the State of California v. Seyed Masoud Eatezadi* (Super. Ct. Los Angeles County,
21 2010, No. LA066783).

22 b. Business and Professions Code section 4301, subdivision (a), on the grounds of
23 unprofessional conduct, in that Respondent committed an act of gross immorality when he
24 attempted to rape T.K. and unlawfully participated in an act of forced oral copulation upon T.K.

25 c. Business and Professions Code section under section 4301, subdivision (f), on the
26 grounds of unprofessional conduct, in that Respondent committed an act involving moral
27 turpitude when he attempted to rape T.K. and unlawfully participated in an act of forced oral
28 copulation upon T.K.

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ORDER

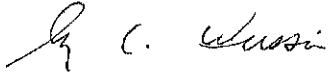
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 102428, heretofore issued to Respondent Seyed Masoud Eatezadi, is revoked.

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 January 2, 2014.

It is so ORDERED ON December 2, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA


By _____
STAN C. WEISSER
Board President

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DOJ Matter ID:LA2012602584

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 SYDNEY M. MEHRINGER
Deputy Attorney General
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4267

12 **SEYED MASOUD EATEZADI**
18136 Oxnard Street, #43
13 Tarzana, CA 91356

ACCUSATION

14 Pharmacy Technician Registration No. TCH
102428

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy.

22 2. On or about June 3, 2010, the Board of Pharmacy ("Board") issued Pharmacy
23 Technician Registration No. TCH 102428 to Seyed Masoud Eatezadi ("Respondent"). The
24 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
25 brought herein and will expire on July 31, 2013, unless renewed.

26 **JURISDICTION**

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

1 perform the functions authorized by his license or registration in a manner consistent with the
2 public health, safety, or welfare."

3 **COST RECOVERY**

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

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Conviction of a Substantially Related Crime)**

10 10. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
11 and 490, in conjunction with California Code of Regulations, title 16, section 1770, in that
12 Respondent was convicted of a crime substantially related to the qualifications, functions, and
13 duties of a pharmacy technician.

14 a. On or about September 28, 2011, after pleading nolo contendere, Respondent
15 was convicted of one felony count of violating Penal Code Section 245(a)(1) [assault with a
16 deadly weapon not firearm: great bodily injury likely] and one felony count of violating Penal
17 Code section 236 [false imprisonment] in the criminal proceeding entitled *The People of the State*
18 *of California v. Seyed Masoud Eatezadi* (Super. Ct. Los Angeles County, 2010, No. LA066783).
19 The Court sentenced Respondent to 120 days in jail, placed Respondent on 3 years probation,
20 ordered Respondent to complete a 52-week sex offender course, and ordered Respondent to
21 complete 90 days of community service.

22 b. The circumstances surrounding the conviction are that on or about December
23 16, 2010, Respondent drove his victim to a local motel. Upon entering the room, Respondent
24 began performing unwanted sexual acts. Respondent grabbed the victim's neck and kissed her
25 lips. The victim immediately told Respondent to stop, but Respondent became more aggressive.
26 Respondent then pulled off the victim's shirt and shorts. He climbed on top of the victim and
27 attempted multiple times to insert his erect penis into the victim's vagina; however he was
28 unsuccessful due to the victim's movements. Respondent then grabbed the back of the victim's

1 head and forced his erect penis into the victim's mouth, eventually ejaculating on the victim's
2 face and breasts.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct – Gross Immorality)**

5 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (a),
6 on the ground of unprofessional conduct, in that Respondent committed an act of gross
7 immorality. Complainant refers to, and by this reference incorporates, the allegations set forth
8 above in paragraph 10, subparagraphs (a) and (b), inclusive, as though fully set forth herein.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Unprofessional Conduct – Act involving Moral Turpitude)**


11 12. Respondent is subject to disciplinary action under Code section under section 4301,
12 subdivision (f), on the ground of unprofessional conduct, in that Respondent committed an act
13 involving moral turpitude. Complainant refers to, and by this reference incorporates, the
14 allegations set forth above in paragraph 10, subparagraphs (a) and (b), inclusive, as though fully
15 set forth herein.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

- 19 1. Revoking or suspending Pharmacy Technician Registration No. TCH 102428, issued
20 to Seyed Masoud Eatezadi;-
- 21 2. Ordering Seyed Masoud Eatezadi to pay the Board the reasonable costs of the
22 investigation and enforcement of this case, pursuant to section 125.3; and
- 23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: 1/7/13

25 
26 VIRGINIA K. HEROLD
27 Executive Officer
28 Board of Pharmacy
State of California
Complainant

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