

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

In the Matter of the Statement of Issues
Against:

Case No. 4485

EDWIN BAZARGANFARD

23448 Canzonet Street
Woodland Hills, CA 91367

Intern Pharmacist Registration

Respondent.

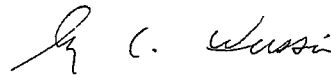
DECISION AND ORDER

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

This decision shall become effective on January 31, 2014.

It is so ORDERED on January 24, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804
Attorneys for Complainant

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

10 In the Matter of the Statement of Issues
11 Against:
12 **EDWIN ELI BAZARGANFARD**
23448 Canzonet St.
13 Woodland Hills, CA 91367
14 **Intern Pharmacist Registration**
15 Respondent.

Case No. 4485
OAH No. 2013060636
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16
17
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
19 entitled proceedings that the following matters are true:

20
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 Kamala
24 D. Harris, Attorney General of the State of California and by Langston M. Edwards, Deputy
25 Attorney General.
26 2. Respondent Edwin Eli Bazarganfard (Respondent) is represented in this proceeding
27 by attorney Herbert L. Weinberg, Esq., whose address is: 1800 Century Park East, 8th Floor
28 Los Angeles, CA 90067.

1 3. On or about August 24, 2012, Respondent filed an application dated August 20, 2012,
2 with the Board of Pharmacy to obtain an Intern Pharmacist Registration.

3
4

JURISDICTION

5 4. Statement of Issues No. 4485 was filed before the Board of Pharmacy (Board),
6 Department of Consumer Affairs, and is currently pending against Respondent. The Statement of
7 Issues and all other statutorily required documents were properly served on Respondent on May
8 24, 2013.

9 5. A copy of Statement of Issues No. 4485 is attached as **Exhibit A** and incorporated
10 herein by reference.

11
12

ADVISEMENT AND WAIVERS

13 6. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Statement of Issues No. 4485. Respondent has also carefully read,
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16 Disciplinary Order.

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

24 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25 every right set forth above.

26 //
27 //
28 //

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Statement of
3 Issues No. 4485.

4 10. Respondent agrees that his Intern Pharmacist Registration is subject to denial and he
5 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
6 below.

7 CONTINGENCY

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

18 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
20 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

1 been compliance with all the terms and conditions of probation. Failure to submit timely reports
2 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
3 in submission of reports as directed may be added to the total period of probation. Moreover, if
4 the final probation report is not made as directed, probation shall be automatically extended until
5 such time as the final report is made and accepted by the Board.

6 **3. Interview with the Board**

7 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
8 with the Board or its designee, at such intervals and locations as are determined by the Board or
9 its designee. Failure to appear for any scheduled interview without prior notification to Board
10 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
11 during the period of probation, shall be considered a violation of probation.

12 **4. Cooperate with Board Staff**

13 Respondent shall cooperate with the Board's inspection program and with the Board's
14 monitoring and investigation of Respondent's compliance with the terms and conditions of his
15 probation. Failure to cooperate shall be considered a violation of probation.

16 **5. Continuing Education**

17 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
18 pharmacist intern as directed by the Board or its designee.

19 **6. Notice to Employers**

20 During the period of probation, Respondent shall notify all present and prospective
21 employers of the decision in case number 4485 and the terms, conditions and restrictions imposed
22 on Respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
24 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,
25 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
26 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
27 individual(s) has/have read the decision in case number 4485, and terms and conditions imposed
28

1 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or
2 supervisor(s) submit timely acknowledgment(s) to the Board.

3 If Respondent works for or is employed by or through a pharmacy employment service,
4 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
5 licensed by the Board of the terms and conditions of the decision in case number 4485 in advance
6 of the Respondent commencing work at each licensed entity. A record of this notification must
7 be provided to the Board upon request.

8 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
9 (15) days of Respondent undertaking any new employment by or through a pharmacy
10 employment service, Respondent shall cause his direct supervisor with the pharmacy employment
11 service to report to the Board in writing acknowledging that he has read the decision in case
12 number 4485 and the terms and conditions imposed thereby. It shall be Respondent's
13 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely
14 acknowledgment(s) to the Board.

15 Failure to timely notify present or prospective employer(s) or to cause that/those
16 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
17 probation.

18 "Employment" within the meaning of this provision shall include any full-time,
19 part-time, temporary, relief or pharmacy management service as a pharmacist or any
20 position for which a pharmacist license is a requirement or criterion for employment,
21 whether the Respondent is an employee, independent contractor or volunteer.

22 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
23 **Designated Representative-in-Charge, or Serving as a Consultant**

24 During the period of probation, Respondent shall not supervise any intern pharmacist, be
25 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
26 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
27 unauthorized supervision responsibilities shall be considered a violation of probation.

28 //

1 **8. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
4 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
5 shall be considered a violation of probation.

6 **9. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current license with
8 the Board, including any period during which suspension or probation is tolled. Failure to
9 maintain an active, current license shall be considered a violation of probation.

10 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
11 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
12 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
13 probation not previously satisfied.

14 **10. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should Respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 Respondent may tender his license to the Board for surrender. The Board or its designee shall
18 have the discretion whether to grant the request for surrender or take any other action it deems
19 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
20 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
21 record of discipline and shall become a part of the Respondent's license history with the Board.

22 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license
23 to the Board within ten (10) days of notification by the Board that the surrender is accepted.
24 Respondent may not reapply for any license from the Board for three (3) years from the effective
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
26 of the date the application for that license is submitted to the Board, including any outstanding
27 costs.

28 //

1 **11. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent shall notify the Board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 shall further notify the Board in writing within ten (10) days of a change in name, residence
7 address, mailing address, or phone number.

8 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 **12. Tolling of Probation**

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed as a pharmacist intern in California for a minimum of 20 hours per calendar month.
13 Any month during which this minimum is not met shall toll the period of probation, i.e., the
14 period of probation shall be extended by one month for each month during which this minimum is
15 not met. During any such period of tolling of probation, Respondent must nonetheless comply
16 with all terms and conditions of probation.

17 Should Respondent, regardless of residency, for any reason (including vacation) cease
18 practicing as a pharmacist intern for a minimum of 20 hours per calendar month in California,
19 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and
20 must further notify the Board in writing within ten (10) days of the resumption of practice. Any
21 failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,
24 exceeding thirty-six (36) months.

25 "Cessation of practice" means any calendar month during which Respondent is
26 not practicing as a pharmacist intern for at least 20 hours, as defined by Business and
27 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
28

1 month during which Respondent is practicing as a pharmacist for at least 20 hours as
2 a pharmacist intern as defined by Business and Professions Code section 4000 et seq.

3 **13. Violation of Probation**

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

9 If Respondent violates probation in any respect, the Board, after giving Respondent notice
10 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
11 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
12 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
13 a petition to revoke probation or an accusation is filed against Respondent during probation, the
14 Board shall have continuing jurisdiction and the period of probation shall be automatically
15 extended until the petition to revoke probation or accusation is heard and decided.

16 **14. Completion of Probation**

17 Upon written notice by the Board or its designee indicating successful completion of
18 probation, Respondent's license will be fully restored.

19 **15. Community Services Program**

20 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
21 Board or its designee, for prior approval, a community service program in which Respondent
22 shall provide free health-care related services on a regular basis to a community or charitable
23 facility or agency for at least 96 hours per year for the first three (3) years of probation. Within
24 thirty (30) days of Board approval thereof, Respondent shall submit documentation to the Board
25 demonstrating commencement of the community service program. A record of this notification
26 must be provided to the Board upon request. Respondent shall report on progress with the
27 community service program in the quarterly reports. Failure to timely submit, commence, or
28 comply with the program shall be considered a violation of probation.

1 **16. Supervised Practice**

2 During the period of probation, Respondent shall practice only under the supervision of a
3 licensed pharmacist not on probation with the Board. Upon and after the effective date of this
4 decision, Respondent shall not practice pharmacy and his license shall be automatically
5 suspended until a supervisor is approved by the Board or its designee. The supervision shall be,
6 as required by the Board or its designee, either:

7 Continuous – At least 75% of a work week

8 Substantial - At least 50% of a work week

9 Partial - At least 25% of a work week

10 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

11 Within thirty (30) days of the effective date of this decision, Respondent shall have his
12 supervisor submit notification to the Board in writing stating that the supervisor has read the
13 decision in case number 4485 and is familiar with the required level of supervision as determined
14 by the Board or its designee. It shall be the Respondent's responsibility to ensure that his
15 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
16 Board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
17 acknowledgements to the Board shall be considered a violation of probation.

18 If Respondent changes employment, it shall be the Respondent's responsibility to ensure
19 that his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely
20 acknowledgement(s) to the Board. Respondent shall have his new supervisor, within fifteen (15)
21 days after employment commences, submit notification to the Board in writing stating the direct
22 supervisor and pharmacist-in-charge have read the decision in Case No. 4485 and is familiar with
23 the level of supervision as determined by the Board. Respondent shall not practice pharmacy and
24 his license shall be automatically suspended until the Board or its designee approves a new
25 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
26 acknowledgements to the Board shall be considered a violation of probation.

27 Within ten (10) days of leaving employment, Respondent shall notify the Board in writing.

28 During suspension, Respondent shall not enter any pharmacy area or any portion of the

1 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
2 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
3 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
4 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
5 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
6 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
7 and controlled substances. Respondent shall not resume practice until notified by the Board.

8 During suspension, Respondent shall not engage in any activity that requires the
9 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
10 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
11 designated representative for any entity licensed by the Board. Failure to comply with this
12 suspension shall be considered a violation of probation.

13 **17. No Ownership of Licensed Premises**

14 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
15 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
16 partnership, or corporation currently or hereinafter licensed by the Board. Respondent shall sell
17 or transfer any legal or beneficial interest in any entity licensed by the Board within ninety (90)
18 days following the effective date of this decision and shall immediately thereafter provide written
19 proof thereof to the Board. Failure to timely divest any legal or beneficial interest(s) or provide
20 documentation thereof shall be considered a violation of probation.

21 **18. Criminal Probation/Parole Reports**

22 Respondent shall provide a copy of the conditions of any criminal probation/parole to the
23 Board, in writing, within ten (10) days of the issuance or modification of those conditions.
24 Respondent shall provide the name of his probation/parole officer to the Board, in writing, within
25 ten (10) days after that officer is designated or a replacement for that officer is designated.
26 Respondent shall provide a copy of all criminal probation/parole reports to the Board within ten
27 (10) days after Respondent receives a copy of such a report. Failure to timely make any of the
28 submissions required hereby shall be considered a violation of probation.

19. Ethics Course

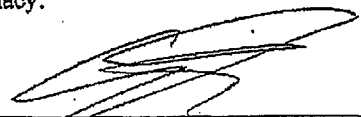
Within sixty (60) calendar days of the effective date of this decision, Respondent shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its designee. Failure to initiate the course during the first year of probation, and complete it within the second year of probation, is a violation of probation.

Respondent shall submit a certificate of completion to the Board or its designee within five days after completing the course.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg, Esq.. I understand the stipulation and the effect it will have on my Intern Pharmacist Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

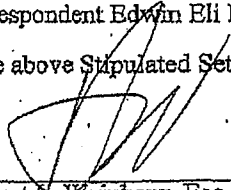
DATED: 11-12-2013


EDWIN ELI BAZARGANFARD
Respondent

I have read and fully discussed with Respondent Edwin Eli Bazarganfard the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.

I approve its form and content.

DATED: 11-12-13

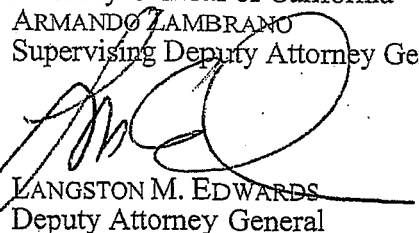

Herbert L. Weinberg, Esq.
Attorney for Respondent

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 11/12/13

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARMANDO LAMBRANO
Supervising Deputy Attorney General

LANGSTON M. EDWARDS
Deputy Attorney General
Attorneys for Complainant

LA2012508267
51402254.docx

Exhibit A

Statement of Issues No. 4485

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LANGSTON M. EDWARDS
Supervising Deputy Attorney General
4 State Bar No. 237926
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 620-6343
6 Facsimile: (213) 897-2804

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 Statement of Issues
12 Against:

Case No. 4485

13 **EDWIN ELI BAZARGANFARD**

STATEMENT OF ISSUES

14 Intern Pharmacist Registration

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold (Complainant) brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the California State Board of Pharmacy.

21 2. On or about August 24, 2012, the California State Board of Pharmacy (Board)
22 received an application for registration as an Intern Pharmacist from Edwin Eli Bazarganfard
23 (Respondent). On or about August 20, 2012, Respondent certified under penalty of perjury to the
24 truthfulness of all statements, answers, and representations in the application. The Board denied
25 the application on September 21, 2012.

26 ///

27 ///

28 ///

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 unless otherwise
4 indicated.

5
6 **STATUTORY PROVISIONS**

7 4. Section 480 states, in pertinent part:

8 "(a) A board may deny a license regulated by this code on the grounds that the applicant
9 has one of the following:

10 (1) Been convicted of a crime. A conviction within the meaning of this section means a
11 plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a
12 board is permitted to take following the establishment of a conviction may be taken when the
13 time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when
14 an order granting probation is made suspending the imposition of sentence, irrespective of a
15 subsequent order under the provisions of Section 1203.4 of the Penal Code.

16 (2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
17 benefit himself or herself or another, or substantially injure another.

18 (3)(A) Done any act that if done by a licentiate of the business or profession in question,
19 would be grounds for suspension or revocation of license.

20 (B) The board may deny a license pursuant to this subdivision only if the crime or act is
21 substantially related to the qualifications, functions, or duties of the business or profession for
22 which application is made.

23 5. Section 490 states, in pertinent part:

24 "(a) In addition to any other action that a board is permitted to take against a licensee, a
25 board may suspend or revoke a license on the ground that the licensee has been convicted of a
26 crime, if the crime is substantially related to the qualifications, functions, or duties of the business
27 or profession for which the license was issued.

1 (b) Notwithstanding any other provision of law, a board may exercise any authority to
2 discipline a licensee for conviction of a crime that is independent of the authority granted under
3 subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties
4 of the business or profession for which the licensee's license was issued.

5 (c) A conviction within the meaning of this section means a plea or verdict of guilty or a
6 conviction following a plea of nolo contendere. Any action that a board is permitted to take
7 following the establishment of a conviction may be taken when the time for appeal has elapsed, or
8 the judgment of conviction has been affirmed on appeal, or when an order granting probation is
9 made suspending the imposition of sentence, irrespective of a subsequent order under the
10 provisions of Section 1203.4 of the Penal Code.”

11 6. Section 4300 provides that every license issued by the Board is subject to discipline,
12 including suspension or revocation.

13 7. Section 4301 states, in pertinent part:

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

17

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

21

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

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

11 12 REGULATORY PROVISIONS

13 8. California Code of Regulations, title 16, section 1770 states, in pertinent part:

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

20 21 FIRST CAUSE FOR DENIAL OF APPLICATION

22 (Conviction of a Substantially Related Crime)

23 9. Respondent's application is subject to denial under section 480, subdivision (a)(1), in
24 conjunction with Cal. Code of Regs. title 16 section 1770 in that Respondent was convicted of a
25 crime substantially related to the qualifications, functions, and duties of an intern pharmacist.

26 a. On or about December 15, 2011, after pleading nolo contendere, Respondent
27 was convicted of one misdemeanor count of violating Penal Code section 664-487, subdivision
28 (a) [attempted grand theft] in the criminal proceedings entitled *The People of the State of*

1 *California vs. Edwin Bazarganfard* (Super. Ct. Los Angeles County, 2011, No. LA068578). The
2 Court placed Respondent on 36 months probation with terms and conditions. Respondent was
3 ordered to perform 40 days of Cal Trans work program.

4 b. The circumstances underlying the conviction occurred on or about
5 June 22, 2011. Respondent submitted false evidence in support of a restitution claim for three (3)
6 stolen cell phones to the Los Angeles County District Attorney's Office (LADAO). LADAO
7 Investigators interviewed witness S.N.¹, manager of a cell phone store where Respondent alleged
8 that he purchased two of the cell phones. When confronted with the receipts that Respondent
9 submitted to LADAO in support of the restitution claims, S.N. was unable to produce an original
10 store copy of the same receipts. In addition, S.N. could not explain why Respondent's receipts
11 contained no store information or appeared identical. LADAO Investigators also interviewed
12 witness A.T.², manager of another cell phone store where Respondent alleged that he purchased
13 one of the cell phones stolen. When confronted with the receipt provided by Respondent in
14 support of the restitution claim, A.T. "immediately identified that receipt as fraudulent."

15
16 **SECOND CAUSE FOR DENIAL OF APPLICATION**

17 **(Dishonest Acts, Fraud, or Deceit)**

18 10. Respondent's application is subject to denial under section 480, subdivision (a)(2), in
19 that Respondent committed an act involving moral turpitude, dishonesty fraud, deceit, or
20 corruption with the intent to substantially benefit himself, or substantially injure another.
21 Complainant refers to, and by this reference incorporates, the allegations set forth above in
22 paragraph 9, subparagraphs a – b, inclusive, as though set forth fully herein.

23 //

24 //

25 //

26 //

27 ¹ Witness initials are used in order to protect confidentiality.

28 ² Witness initials are used in order to protect confidentiality.

1 THIRD CAUSE FOR DENIAL OF APPLICATION

2 (Acts Warranting Denial of a License)

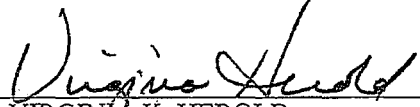
3 11. Respondent's application is subject to denial under sections 480, subdivision
4 (a)(3)(A), 490, subdivision (a), 4301, subdivision (f) and 4301, subdivision (l) in conjunction with
5 Cal. Code of Regs. title 16, section 1770 in that Respondent committed acts which if done by a
6 licentiate would be grounds for suspension or revocation of his license. Complainant refers to,
7 and by this reference incorporates, the allegations set forth above in paragraph 9, subparagraphs a
8 - b, inclusive, as though set forth fully herein.

9
10 PRAYER

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

- 13 1. Denying the application of Edwin Eli Bazarganfard for an Intern Pharmacist
14 Registration; and
15 2. Taking such other and further action as deemed necessary and proper.

16 DATED: 5/9/13


17 VIRGINIA K. HEROLD
18 Executive Officer
19 California State Board of Pharmacy
20 State of California
21 Complainant

22 LA2012508267
23 5i207423.doc
24
25
26
27
28