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

In the Matter of the Statement of Issues Against:	Case No. 6624	
HAMZE KHALED TEHFE	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC	
Intern Pharmacist License Applicant	REPROVAL	
Respondent.	[Bus. & Prof. Code § 495]	

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby

adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this

matter.

This Decision shall become effective at 5:00 p.m. on March 28, 2019.

It is so ORDERED on March 1, 2019.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

By

Victor Law, R.Ph. Board President

1	XAVIER BECERRA Attorney General of California		
2	LINDA L. SUN Supervising Deputy Attorney General		
3	KIM KASRELIOVICH Deputy Attorney General		
4	State Bar No. 261766 300 So. Spring Street, Suite 1702		
5	Los Angeles, CA 90013 Telephone: (213) 269-6444		
6	Facsimile: (213) 897-2804 E-mail: Kim.Kasreliovich@doj.ca.gov		
7	Attorneys for Complainant		
8	BEFOR	ЕТНЕ	
9	BOARD OF P	HARMACY	
10	DEPARTMENT OF CO STATE OF CA		
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12			
13	In the Matter of the Statement of Issues Against:	Case No. 6624	
14		STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC	
15	HAMZE KHALED TEHFE Intern Pharmacist License Application,	REPROVAL	
16		[Bus. & Prof. Code § 495]	
17	Respondent.		
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20	IT IS HEREBY STIPULATED AND AGR	EED by and between the parties to the above-	
21	entitled proceedings that the following matters are	e true:	
22	PARTIES		
23	1. Anne Sodergren (Complainant) is the Interim Executive Officer of the Board of		
24	Pharmacy (Board). She brought this action solely in her official capacity and is represented in this		
25	matter by Xavier Becerra, Attorney General of the State of California, by Kim Kasreliovich,		
26	Deputy Attorney General.		
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	STIP SETTLEMEN	T & DISC ORDER FOR PUBLIC REPROVAL (6624)	

1	2. Respondent Hamze Khaled Tehfe (Respondent) is represented in this proceeding by
2	attorney Ronald S. Marks whose address is: Westlake Corporate Plaza, 2625 Townsgate Road,
3	Suite 330, Westlake Village, CA 91361
4	3. On or about September 6, 2018, the Board received an Intern Pharmacist License
5	Application from Respondent. The Board denied the application on December 20, 2018.
6	Respondent timely requested a hearing with respect to the denial.
7	JURISDICTION
8	4. Statement of Issues No. 6624 was filed before the Board and is currently pending
9	against Respondent. The Statement of Issues and all other statutorily required documents were
10	properly served on Respondent on January 31, 2019. A copy of Statement of Issues No. 6624 is
11	attached as Exhibit A and incorporated herein by reference.
12	ADVISEMENT AND WAIVERS
13	5. Respondent has carefully read, fully discussed with counsel, and understands the
14	charges and allegations in Statement of Issues No. 6624. Respondent has also carefully read,
15	fully discussed with counsel, and understands the effects of this Stipulated Settlement and
16	Disciplinary Order for Public Reproval.
17	6. 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	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
25	every right set forth above.
26	CULPABILITY
27	8. Respondent admits the truth of each and every charge and allegation in Statement of
28	Issues No. 6624.
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	STIP SETTLEMENT & DISC ORDER FOR PUBLIC REPROVAL (6624)

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9. Respondent agrees that his Intern Pharmacist License Application is subject to denial, and he agrees to be bound by the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 4 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 5 communicate directly with the Board regarding this stipulation and settlement, without notice to 6 or participation by Respondent or his counsel. By signing the stipulation, Respondent 7 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation 8 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation 9 as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval 10 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action 11 between the parties, and the Board shall not be disqualified from further action by having 12 considered this matter. 13

14 11. The parties understand and agree that Portable Document Format (PDF) and facsimile
15 copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including
16 Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and
17 effect as the originals.

18 12. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the 19 parties to be an integrated writing representing the complete, final, and exclusive embodiment of 20 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, 21 discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and 22 Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or 23 otherwise changed except by a writing executed by an authorized representative of each of the 24 parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the
Board may, without further notice or formal proceeding, issue and enter the following
Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that the Application for Licensure of Respondent Hamze Khaled Tehfe is hereby granted. Upon successful completion of the licensure examination and all other licensing requirements, a license shall be issued to Respondent. Said license shall be publicly reproved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Statement of Issues No. 6624, attached as exhibit A.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Ronald S. Marks. I understand the stipulation and the effect it will have on my Intern Pharmacist License Application. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 02/04/2019 HAMZ Respondent

I have read and fully discussed with Respondent Hamze Khaled Tehfe the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED:

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LD S. MARKS

Attorney for Respondent

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2/4/19

1	<u>ENDORSEMENT</u>		
2	The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby		
3	respectfully submitted for consideration by the Board of Pharmacy of the Department of		
4	Consumer Affairs.		
5	Dated: February 4, 2019 Respectfully submitted,		
6	Xavier Becerra		
7	Attorney General of California LINDA L. SUN		
8	Supervising Deputy Attorney General		
9	Kin Kin		
10	Kim Kasreliovich		
11	Deputy Attorney General Attorneys for Complainant		
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	STIP SETTLEMENT & DISC ORDER FOR PUBLIC REPROVAL (6624)		

Exhibit A

Statement of Issues No. 6624

1	XAVIER BECERRA	. .	
2	Attorney General of California LINDA SCHNEIDER		
3	Senior Assistant Attorney General LINDA L. SUN		
4	Supervising Deputy Attorney General State Bar No. 207108	÷	
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013	· · ·	
6	Telephone: (213) 269-6283 Facsimile: (213) 897-2804		
7	Attorneys for Complainant		
8	BEFOR	RE THE	
9	BOARD OF I	PHARMACY	
10	DEPARTMENT OF C STATE OF C	ONSUMER AFFAIRS ALIFORNIA	
11			
12	In the Matter of the Statement of Issues	Case No. 6624	
13	Against:		
14	HAMZE KHALED TEHFE	STATEMENT OF ISSUES	
15	Intern Pharmacist Applicant	STATEMENT OF ISSUES	
16	Respondent.		
10	Complainant alleges:		
18	PARTIES		
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20	capacity as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.		
21	•	Board received an application for an Intern	
22			
23 24	Pharmacist Applicant from Hamze Khaled Tehfe (Respondent). On or about August 23, 2018,		
	Hamze Khaled Tehfe certified under penalty of perjury to the truthfulness of all statements,		
25 26	answers, and representations in the application. The Board denied the application on December		
26 27	20, 2018.		
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	1	STATEMENT OF ISSUES	

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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	STATUTORY PROVISIONS
6	4. Section 480 states:
7	"(a) A board may deny a license regulated by this code on the grounds that the applicant
8	has one of the following:
9	······
10	"(2) Done any act involving dishonesty, fraud, or deceit with the intent to substantially
11	benefit himself or herself or another, or substantially injure another.
12	"(3) (A) Done any act that if done by a licentiate of the business or profession in question,
13	would be grounds for suspension or revocation of license.
14	"(B) The board may deny a license pursuant to this subdivision only if the crime or act is
15	substantially related to the qualifications, functions, or duties of the business or profession for
16	which application is made.
17	"(b) Notwithstanding any other provision of this code, a person shall not be denied a
18	license solely on the basis that he or she has been convicted of a felony if he or she has obtained a
19	certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of
20	Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has
21	met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate
22	the rehabilitation of a person when considering the denial of a license under subdivision (a) of
23	Section 482.
24	"(c) Notwithstanding any other provisions of this code, a person shall not be denied a
25	license solely on the basis of a conviction that has been dismissed pursuant to Section 1203.4,
26	1203.4a, or 1203.41 of the Penal Code. An applicant who has a conviction that has been
27	dismissed pursuant to Section 1203.4, 1203.4a, or 1203.41 of the Penal Code shall provide proof
28	of the dismissal.
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	STATEMENT OF ISSUES

1	5. Section 4301 states, in pertinent part:	
2	"The board shall take action against any holder of a license who is guilty of unprofessional	
3	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.	
4	Unprofessional conduct shall include, but is not limited to, any of the following:	
5	••••	
6	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or	
7	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and	
8	whether the act is a felony or misdemeanor or not.	
9	••••	
10	"(p) Actions or conduct that would have warranted denial of license."	
11	REGULATORY PROVISIONS	
12	6. California Code of Regulations, title 16, section 1770, states, in pertinent part:	
13	"For the purpose of denial, suspension, or revocation of a personal or facility license	
14	pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a	
15	crime or act shall be considered substantially related to the qualifications, functions or duties of a	
16	licensee or registrant if to a substantial degree it evidences present or potential unfitness of a	
17	licensee or registrant to perform the functions authorized by his license or registration in a manner	
18	consistent with the public health, safety, or welfare."	
19	FIRST CAUSE FOR DENIAL OF APPLICATION	ļ
20	(Acts Involving Dishonesty, Fraud, or Deceit)	
21	7. Respondent's application is subject to denial under sections 480, subdivision (a)(2),	
22	and 4301, subdivision (f), in conjunction with California Code of Regulations, title 16, section	
23	1770 in that Respondent committed dishonest acts, fraud, or deceit with the intent to substantially	
24	benefit himself or substantially injure another.	
25	a. On or about June 12, 2012, Respondent was convicted of nine (9) misdemeanor	
26	counts of violating Penal Code section 350, subdivision (a)(2) [manufacture/sell 1000+	
27	counterfeit items] in the criminal proceeding entitled: The People of the State of California v.	
28	Hamze Khaled Tehfe (Super. Ct. L.A. County, No. BA391338). The court placed Respondent on	
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STATEMENT OF ISSUES

1	24 months of probation with terms and conditions. The circumstances surrounding the conviction	
2	are that on or about November 17, 2011, officers served a search warrant at Respondent's	
3	clothing store for a related investigation of sales of counterfeit trademarks. Respondent stated he	
4	was the owner of the business and received his counterfeit merchandise from a "Chino" (slang for	
5	a person of Asian descent) on the street. Over 300 items of clothing that were believed to be	
6	counterfeit were recovered from the location. On or about May 8, 2014, the court dismissed the	
7	case, pursuant to Penal Code section 1203.4.	
8	SECOND CAUSE FOR DENIAL OF APPLICATION	
9	(Acts Warranting Denial of Licensure)	
10	8. Respondent's application is subject to denial under section's 4301, subdivision (p) and	
11	480, subdivisions $(a)(3)(A)$ and $(a)(3)(B)$, in that Respondent committed acts which if done by a	
12	licentiate of the business and profession, would be grounds for suspension or revocation of his	
13	license. Respondent committed acts involving dishonesty, fraud, or deceit, in violation of section	
14	4301, subdivision (f). Complainant refers to and by this reference incorporates, the allegations set	
15	forth above in paragraph 7, as though set forth fully.	
16	PRAYER	
17	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
18	and that following the hearing, the Board of Pharmacy issue a decision:	
19	1. Denying the application of Hamze Khaled Tehfe for an Intern Pharmacist Applicant;	
_ 20	and	
21	2. Taking such other and further action as deemed necessary and proper.	
[′] 22	January 29, 2019 Ane Sodergreen	
23	DATED: January 29, 2019 ANNE SODERGREN	
24	Interim Executive Officer Board of Pharmacy	
25	Department of Consumer Affairs State of California	
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ļ	STATEMENT OF ISSUES	

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