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

12 In the Matter of the Accusation Against:

Case No. 6786

13 **ADRINEH NAZARI**
14 **3400 Downing Avenue**
Glendale, CA 91208

DEFAULT DECISION AND ORDER

15 **Pharmacy Technician Registration No. TCH**
16 **41654**

[Gov. Code, §11520]

17
18 Respondent.

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20 **FINDINGS OF FACT**

21 1. On or about January 6, 2020, Complainant Anne Sodergren, in her official capacity as
22 the Interim Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed
23 Accusation No. 6786 against Adrineh Nazari (Respondent) before the Board of Pharmacy.

24 (Accusation attached as Exhibit A.)

25 2. On or about June 5, 2002, the Board of Pharmacy (Board) issued Pharmacy
26 Technician Registration No. TCH 41654 to Respondent. The Pharmacy Technician Registration
27 was in full force and effect at all times relevant to the charges brought in Accusation No. 6786
28 and will expire on May 31, 2020, unless renewed.

1 3. On or about January 10, 2020, Respondent was served by Certified Mail copies of the
2 Accusation No. 6786, Statement to Respondent, Notice of Defense, Request for Discovery, and
3 Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's
4 address of record which, pursuant to Business and Professions Code section 4100, is required to
5 be reported and maintained with the Board. Respondent's address of record was and is:
6 3400 Downing Avenue
7 Glendale, CA 91208.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505(c) and/or Business and Professions Code section 124.

10 5. Government Code section 11506(c) states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all
13 parts 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.

14 6. The Board takes official notice of its records and the fact that Respondent failed to
15 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
16 waived her right to a hearing on the merits of Accusation No. 6786.

17 7. California Government Code section 11520(a) states, in pertinent part:

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

21 8. Pursuant to its authority under Government Code section 11520, the Board finds
22 Respondent is in default. The Board will take action without further hearing and, based on the
23 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
24 as well as taking official notice of all the investigatory reports, exhibits and statements contained
25 therein on file at the Board's offices regarding the allegations contained in Accusation No. 6786,
26 finds that the charges and allegations in Accusation No. 6786, are separately and severally, found
27 to be true and correct by clear and convincing evidence.
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9. The Board finds that the actual costs for Investigation and Enforcement are \$2,170.00 as of February 14, 2020.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Adrineh Nazari has subjected her Pharmacy Technician Registration No. TCH 41654 to discipline.

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

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

a. B & P Code section 4301, subdivision (h) [Unprofessional Conduct – Dangerous Use of Alcohol].

ORDER

IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 41654, issued to Respondent Adrineh Nazari, 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 May 6, 2020 at 5:00 p.m.

It is so ORDERED on April 6, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Greg Lippe
Board President

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DOJ Matter ID:LA2019503326

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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Supervising Deputy Attorney General
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7

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

12 In the Matter of the Accusation Against:

Case No. 6786

13 **ADRINEH NAZARI**

14 3400 Downing Ave.
Glendale, CA 91208

ACCUSATION

15 **Pharmacy Technician Registration**
16 **No. TCH 41654**

17 Respondent.

18
19 **PARTIES**

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

23 2. On or about June 5, 2002, the Board issued Pharmacy Technician Registration
24 Number TCH 41654 to Adrineh Nazari (Respondent). The Pharmacy Technician Registration
25 was in full force and effect at all times relevant to the charges brought herein and will expire on
26 May 31, 2020, unless renewed.

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1 **JURISDICTION**

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

5 4. Section 4300 of the Code states, in pertinent part:

6 (a) Every license issued may be suspended or revoked.

7 5. Section 4300.1 of the Code states:

8 The expiration, cancellation, forfeiture, or suspension of a board-issued license
9 by operation of law or by order or decision of the board or a court of law, the
10 placement of a license on a retired status, or the voluntary surrender of a license by a
11 licensee shall not deprive the board of jurisdiction to commence or proceed with any
investigation of, or action or disciplinary proceeding against, the licensee or to render
a decision suspending or revoking the license.

12 **STATUTORY PROVISIONS**

13 6. Section 4301 of the Code states, in pertinent part:

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

16 . . .

17 (h) The administering to oneself, of any controlled substance, or the use of any
18 dangerous drug or of alcoholic beverages to the extent or in a manner as to be
19 dangerous or injurious to oneself, to a person holding a license under this chapter, or
to any other person or to the public, or to the extent that the use impairs the ability of
the person to conduct with safety to the public the practice authorized by the license.

20 **REGULATORY PROVISIONS**

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

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

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct – Dangerous Use of Alcohol)**

10 9. Respondent is subject to disciplinary action under Code section 4301(h), in
11 conjunction with California Code of Regulations, title 16, section 1770, in that on or about April
12 28, 2019, a Glendale Police Department officer responded to a residence regarding Respondent
13 who was intoxicated. Respondent's son told police he arrived home and found Respondent
14 intoxicated on his front porch. He advised police that Respondent is homeless, an alcoholic, and
15 abuses Xanax pills. Upon speaking to Respondent, the officer noticed a strong odor of an
16 alcoholic beverage emitting from her breath and person, bloodshot and watery eyes, and slurred
17 speech. The officer formed the opinion that Respondent was intoxicated in a public place and
18 unable to care for her own safety.

19 **DISCIPLINE CONSIDERATIONS**

20 10. To determine the degree of discipline, Complainant alleges the following:

21 a. On or about March 22, 2019, the Board issued Respondent a Letter of Admonishment
22 for failure to comply with the laws and regulations that govern the practice of pharmacy in
23 California. The underlying circumstances are that on or about February 17, 2019, a Glendale
24 Police officer responded to a local coffee shop regarding Respondent who was passed out on the
25 patio. Upon arrival, the officer noticed Respondent in tears with a half empty bottle of wine,
26 slurred speech, an odor of an alcoholic beverage emitting from her person, and she was unable to
27 walk on her own. The officer asked Respondent basic questions, but was unable to understand
28 her. The officer determined that Respondent was unable to care for herself.

b. On or about September 4, 2018, a Riverside County Sheriff deputy responded to a local casino regarding Respondent who was intoxicated and refused to leave. Upon speaking to Respondent, the deputy noticed a strong odor of an alcoholic beverage emitting from her person and breath, bloodshot and watery eyes, an unsteady balance, and confusion. The deputy concluded Respondent was under the influence of alcohol to the extent she was unable to exercise due care for her own safety.

PRAYER

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

1. Revoking or suspending Pharmacy Technician Registration Number TCH 41654,
issued to Adrineh Nazari;

2. Ordering Adrineh Nazari to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: January 6, 2020

Anne Sodergren

ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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