

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

In the Matter of the Accusation Against:

**AMIR ZIAEE
Pharmacist License No. RPH 71171**

Respondent

Agency Case No. 7335

OAH No. 2023030726

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 December 6, 2023.

It is so ORDERED on November 6, 2023.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh", is written over a light blue rectangular background.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **AMIR ZIAEE**
14 **20254 West Bentley Way**
Porter Ranch, CA 91326
15 **Pharmacist License No. RPH 71171**

16 Respondent.

Case No. 7335

OAH No. 2023030726

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

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

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
23 (Board). She brought this action solely in her official capacity and is represented in this matter by
24 Rob Bonta, Attorney General of the State of California, by Gillian E. Friedman, Deputy Attorney
25 General.

26 2. Respondent Amir Ziaee (Respondent) is represented in this proceeding by attorney
27 Adam B. Brown, Esq. whose address is: 3848 W. Carson Street, Suite 206, Torrance, CA 90503.

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4. Accusation No. 7335 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on November 21, 2022. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 7335 is attached as exhibit A and incorporated herein by reference.

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7335. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

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

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 7335.

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

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

12. This Stipulated Settlement and Disciplinary Order for Public Reprimand is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order for Public Reprimand may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the 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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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 71171 issued to Respondent
3 Amir Ziaee (Respondent) shall be publicly reprovved by the Board of Pharmacy under Business
4 and Professions Code section 495 in resolution of Accusation No. 7335, attached as exhibit A.

5 **1. Ethics Course.** Within 60 days from the effective date of the Decision,
6 Respondent shall enroll in a course in ethics (in-person or webinar), at Respondent's expense,
7 approved in advance by the Board or its designee that complies with Title 16 California Code of
8 Regulations section 1773.5. Respondent shall provide proof of enrollment upon request. Within
9 five (5) days of completion, Respondent shall submit a copy of the certificate of completion to the
10 Board or its designee. Respondent shall not be allowed to renew his pharmacist license until he
11 submits a copy of the certificate of completion as required by this term.

12 **2. Cost Recovery.** No later than two (2) years from the effective date of the Decision,
13 Respondent shall pay \$4,500.00 to the Board for its costs associated with the investigation and
14 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If
15 Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew his
16 Pharmacist License until Respondent pays costs in full. In addition, the Board may enforce this
17 order for payment of its costs in any appropriate court, in addition to any other rights the Board
18 may have.

19 **3. Full Compliance.** As a resolution of the charges in Accusation No. 7335, this
20 stipulated settlement is contingent upon Respondent's full compliance with all conditions of this
21 Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes
22 cause for discipline, including outright revocation, of Respondent's Pharmacist License No. RPH
23 71171.

24 **ACCEPTANCE**

25 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
26 Reproval and have fully discussed it with my attorney, Adam B. Brown, Esq.. I understand the
27 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
28

1 Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently,
2 and agree to be bound by the Decision and Order of the Board of Pharmacy.

3
4 DATED: _____

AMIR ZIAEE
Respondent

6
7 I have read and fully discussed with Respondent Amir Ziaee the terms and conditions and
8 other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
9 Repeval. I approve its form and content.

10 DATED: _____

ADAM B. BROWN, ESQ.
Attorney for Respondent

12
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby
15 respectfully submitted for consideration by the Board of Pharmacy of the Department of
16 Consumer Affairs.

17
18 DATED: _____

Respectfully submitted,

19 ROB BONTA
Attorney General of California
20 SHAWN P. COOK
Supervising Deputy Attorney General

21
22 GILLIAN E. FRIEDMAN
23 Deputy Attorney General
24 *Attorneys for Complainant*

25
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1 Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently,
2 and agree to be bound by the Decision and Order of the Board of Pharmacy.

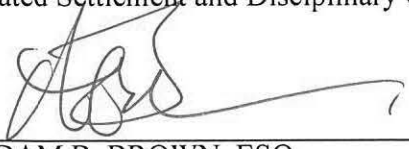
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4 DATED: 09/20/2023



AMIR ZIAEE
Respondent

6
7 I have read and fully discussed with Respondent Amir Ziaee the terms and conditions and
8 other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
9 Reapproval. I approve its form and content.

10 DATED: 9/21/23



ADAM B. BROWN, ESQ.
Attorney for Respondent

12
13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby
15 respectfully submitted for consideration by the Board of Pharmacy of the Department of
16 Consumer Affairs.

17 DATED: September 20, 2023

Respectfully submitted,

18
19 ROB BONTA
Attorney General of California
20 SHAWN P. COOK
Supervising Deputy Attorney General



21
22 GILLIAN E. FRIEDMAN
23 Deputy Attorney General
24 *Attorneys for Complainant*
25
26

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Exhibit A

Accusation No. 7335

1 ROB BONTA
Attorney General of California
2 KIM KASRELIOVICH
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
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E-mail: Gillian.Friedman@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7335

13 **AMIR ZIAEE**
14 **20254 West Bentley Way**
Porter Ranch, CA 91326

ACCUSATION

15 **Pharmacist License No. RPH 71171**

16 Respondent.
17

18
19 **PARTIES**

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

22 2. On or about August 27, 2014, the Board of Pharmacy issued Pharmacist License
23 Number RPH 71171 to Amir Ziaee (Respondent). The Pharmacist License was in full force and
24 effect at all times relevant to the charges brought herein and will expire on June 30, 2024, unless
25 renewed.

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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 (Code) unless otherwise indicated.

5 4. Section 4300, provision (a), of the Code states, in pertinent part, "[e]very license
6 issued may be suspended or revoked. . . ."

7 5. Section 4300.1 of the Code states "[t]he expiration, cancellation, forfeiture, or
8 suspension of a board-issued license by operation of law or by order or decision of the board or a
9 court of law, the placement of a license on a retired status, or the voluntary surrender of a license
10 by a licensee shall not deprive the board of jurisdiction to commence or proceed with any
11 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision
12 suspending or revoking the license."

13 **STATUTORY PROVISIONS**

14 6. Section 4022 of the Code states, in pertinent part:

15 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
16 self-use in humans or animals, and includes the following:

17 (a) Any drug that bears the legend: "Caution: federal law prohibits
18 dispensing without prescription," "Rx only," or words of similar import.

19

20 (c) Any other drug or device that by federal or state law can be lawfully
21 dispensed only on prescription or furnished pursuant to Section 4006.

22 7. Section 4059 of the Code states, in pertinent part:

23 (a) A person may not furnish any dangerous drug, except upon the prescription of a
24 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to
25 Section 3640.7. A person may not furnish any dangerous device, except upon the
26 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic
27 doctor pursuant to Section 3640.7.

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1 8. Section 4060 of the Code states, in pertinent part:

2 No person shall possess any controlled substance, except that furnished to a
3 person upon the prescription of a physician, dentist, podiatrist, optometrist,
4 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
5 pursuant to a drug order issued by a certified nurse midwife pursuant to Section
6 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
7 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a
8 pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section
 shall not apply to the possession of any controlled substance by a manufacturer,
 wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist, optometrist,
 veterinarian, naturopathic doctor, certified nurse midwife, nurse practitioner, or
 physician assistant, when in stock in containers correctly labeled with the name and
 address of the supplier or producer.

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

11 9. Section 4301 of the Code states, in pertinent part:

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

15

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

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19

20 (j) The violation of any of the statutes of this state, or any other state, or
21 of the United States regulating controlled substances and dangerous drugs.

22

23 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
24 abetting the violation of or conspiring to violate any provision or term of this chapter
25 or of the applicable federal and state laws and regulations governing pharmacy,
 including regulations established by the board or by any other state or federal
 regulatory agency.

26 10. Section 4306.5 of the Code states, in pertinent part:

27 Unprofessional conduct for a pharmacist may include any of the following:
28

1 (a) Acts or omissions that involve, in whole or in part, the inappropriate
2 exercise of his or her education, training, or experience as a pharmacist, whether or
3 not the act or omission arises in the course of the practice of pharmacy or the
4 ownership, management, administration, or operation of a pharmacy or other entity
5 licensed by the board.

6

7 **COST RECOVERY**

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

12 **DRUG CLASSIFICATIONS**

13 12. Clobetasol 0.05% ointment, the generic name for Clobex, is a dangerous drug
14 pursuant to Business and Professions Code 4022. Its indication for use is skin infection.

15 13. Nystatin/triamcinolone cream, the generic name for Mycolog II, is a dangerous drug
16 pursuant to Business and Professions Code 4022. Its indication for use is skin infection.

17 14. Hydrocortisone cream, the generic name for Cortaid, is an over the counter cream
18 used for skin inflammation.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **Unprofessional Conduct-Commission of Acts Involving Moral Turpitude, 21 Dishonesty, Fraud, Deceit, or Corruption)**

22 15. Respondent is subject to disciplinary action under section 4301, subdivision (f) of the
23 Code, in that while working as a pharmacist at Walmart Pharmacy 10-5664 located at 275 West
24 Ventura Blvd., Camarillo, CA, 93010, Respondent committed acts involving moral turpitude,
25 dishonesty, fraud, deceit, or corruption. The facts and circumstances are as follows:

26 16. On or about November 10, 2021, Respondent removed a tube of clobetasol 0.05%
27 ointment, a dangerous drug, from the pharmacy inventory and placed it in his personal bag
28 without an authorized prescription from a physician or payment for the cream.

17 17. On a date prior to December 8, 2021, Respondent removed a tube of nystatin/
18 triamcinolone cream, a dangerous drug, from the pharmacy inventory, used the cream while in the
19 pharmacy and returned it to the top of the pharmacy cabinet for Schedule II drugs. Respondent

1 did not have an authorized prescription from a physician to use the cream nor did he pay for the
2 cream.

3 18. On a date prior to December 8, 2021, Respondent removed a tube of hydrocortisone
4 cream (OTC) from inventory and used the cream while in the pharmacy without paying for the
5 cream.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Furnishing Dangerous Drugs Without Prescription)**

8 19. Respondent is subject to disciplinary action under section 4059, subdivision (a) in that
9 on or about November 10, 2021, while working as a pharmacist at Walmart Pharmacy 10-5664,
10 Respondent removed clobetasol cream and nystatin/triamcinolone cream, dangerous drugs, from
11 the pharmacy inventory without a prescription from a physician for either cream. Complainant
12 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 15
13 through 17, as though set forth fully herein.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Unprofessional Conduct)**

16 20. Respondent is subject to disciplinary action under section 4301, subdivision (o) of the
17 Code, in that while working as a pharmacist at Walmart Pharmacy 10-5664 located at 275 West
18 Ventura Blvd., Camarillo, CA, 93010, Respondent committed acts involving unprofessional
19 conduct. Complainant refers to, and by this reference incorporates, the allegations set forth above
20 in paragraphs 15 through 18, as though set forth fully herein.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct -Misuse of Education)**

23 21. Respondent is subject to disciplinary action under section 4306.5, subdivision (a), in
24 that Respondent engaged in unprofessional conduct in that he engaged in an inappropriate
25 exercise of his education, training, or experience as a pharmacist while working as a pharmacist at
26 Walmart Pharmacy. Complainant refers to, and by this reference incorporates, the allegations set
27 forth above in paragraphs 15 through 18, as though set forth fully herein.

28 ///

1 **DISCIPLINE CONSIDERATIONS**

2 22. To determine the degree of discipline to be assessed against Respondent,
3 Complainant alleges as follows:

4 a. On or about February 15, 2018, the Board issued Citation and Fine No. CI 2017
5 78808 against Respondent for violating section 4113, subdivisions (c) and CCR section 1714
6 subd. (b)(d) (Failure to secure controlled substances from theft or diversion), Section 4301 (q)
7 (Failure to respond to the inquiry was an attempt to subvert an investigation). The Board ordered
8 Respondent to pay a fine of \$5,000 by March 17, 2018. The citation is final and has been paid in
9 full.

10 b. The circumstances are that, between December 4, 2016 to March 22, 2017, while
11 working as Pharmacist-in-Charge and staff pharmacist at Safeway Pharmacy #965 located in
12 Willits, California, Respondent failed to secure controlled substances from theft or diversion
13 which lead to a loss of about 3,908 tablets of tramadol 50 mg.

14 **PRAYER**

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

17 1. Revoking or suspending Pharmacist License Number RPH 71171, issued to Amir
18 Ziaee;

19 2. Ordering Amir Ziaee to pay the Board of Pharmacy the reasonable costs of the
20 investigation and enforcement of this case, pursuant to Business and Professions Code section
21 125.3; and,

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

23
24 DATED: 11/15/2022

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2022.11.15 20:34:57 -08'00'

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

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