

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

In the Matter of the Accusation Against:

**NAGHI LIVING TRUST AND CRESCENT DRUGS, INC.
DBA CRESCENT DRUGS, INC., EBRAHIM DAVID NAGHI,
CEO/PRES/SH
Pharmacy Permit No. PHY 50359,**

and

**PANTEA HENDIZADEH NAGHI,
Pharmacist License No. RPH 52061**

Respondents.

Agency Case No. 7552

OAH No. 2024040232

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order 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 April 2, 2025.

It is so ORDERED on March 3, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large, sweeping initial "S".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
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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:
13 **NAGHI LIVING TRUST AND CRESCENT**
14 **DRUGS, INC., DBA CRESCENT DRUGS,**
15 **INC., EBRAHIM DAVID NAGHI,**
16 **CEO/PRES/SH**
17 **5915 Blackwelder St.**
18 **Culver City, CA 90232**
19 **Pharmacy Permit No. PHY 50359,**
20 **and**
21 **PANTEA HENDIZADEH NAGHI**
22 **1270 Coldwater Canyon Dr.**
23 **Beverly Hills, CA 90210**
24 **Pharmacist License No. RPH 52061**
25 Respondents.

Case No. 7552

OAH No. 2024040232

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER (AS TO NAGHI
LIVING TRUST AND CRESCENT
DRUGS, INC. DBA, CRESCENT DRUGS,
INC., EBRAHIM DAVID NAGHI,
CEO/PRES/SH
ONLY)**

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

28 **PARTIES**

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
(Board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Christina Thomas, Deputy Attorney
2 General.

3 2. Respondent Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc.,
4 Ebrahim David Naghi, CEO/PRES/SH are represented in this proceeding by attorney Ivan
5 Petrzelka.

6 3. On or about June 2, 2011, the Board issued Pharmacy Permit No. PHY 50359 to
7 Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc., Ebrahim David Naghi,
8 CEO/PRES/SH (Respondent Crescent Drugs). The Pharmacy Permit was in full force and effect
9 at all times relevant to the charges brought in Accusation No. 7552, and will expire on June 1,
10 2025, unless renewed.

11 **JURISDICTION**

12 4. Accusation No. 7552 was filed before the Board, and is currently pending against
13 Respondent. The Accusation and all other statutorily required documents were properly served
14 on Respondent on September 29, 2023. Respondent timely filed its Notice of Defense contesting
15 the Accusation.

16 5. A copy of Accusation No. 7552 is attached as exhibit A and incorporated herein by
17 reference.

18 **ADVISEMENT AND WAIVERS**

19 6. Respondent has carefully read, fully discussed with counsel, and understands the
20 charges and allegations in Accusation No. 7552. Respondent has also carefully read, fully
21 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
22 Order.

23 7. Respondent is fully aware of its legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
25 the witnesses against them; the right to present evidence and to testify on its own behalf; the right
26 to the issuance of subpoenas to compel the attendance of witnesses and the production of
27 documents; the right to reconsideration and court review of an adverse decision; and all other
28 rights accorded by the California Administrative Procedure Act and other applicable laws.

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 50359 issued to Respondent
9 Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc., Ebrahim David Naghi,
10 CEO/PRES/SH is revoked. However, the revocation is stayed and Respondent is placed on
11 probation for thirty-five (35) months on the following terms and conditions: This Order is to run
12 concurrent to the Order for Respondent RPH 52061, Pantea Naghi.

13 **1. Definition: Respondent**

14 For the purposes of these terms and conditions, “respondent” shall refer to Respondent
15 Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc., Ebrahim David Naghi,
16 CEO/PRES/SH. All terms and conditions stated herein shall bind and be applicable to the
17 licensed premises and to all owners, managers, officers, administrators, members, directors,
18 trustees, associates, or partners thereof. For purposes of compliance with any term or condition,
19 any report, submission, filing, payment, or appearance required to be made by respondent to or
20 before the board or its designee shall be made by an owner or executive officer with authority to
21 act on behalf of and legally bind the licensed entity.

22 **2. Obey All Laws**

23 Respondent shall obey all state and federal laws and regulations.

24 Respondent shall report any of the following occurrences to the board, in writing, within
25 seventy-two (72) hours of such occurrence:

- 26 a. an arrest or issuance of a criminal complaint for violation of any provision of the
27 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
28 substances laws;

- 1 b. a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal
2 proceeding to any criminal complaint, information or indictment;
- 3 c. a conviction of any crime; or
- 4 d. discipline, citation, or other administrative action filed by any state or federal agency
5 which involves respondent's Pharmacy Permit or which is related to the practice of
6 pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging
7 for any dangerous drug, and/or dangerous device or controlled substance.

8 Failure to timely report any such occurrence shall be considered a violation of probation.

9 **3. Report to the Board**

10 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
11 designee. The report shall be made either in person or in writing, as directed. Among other
12 requirements, respondent shall state in each report under penalty of perjury whether there has
13 been compliance with all the terms and conditions of probation. Failure to submit timely reports
14 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
15 in submission of reports as directed may be added to the total period of probation. Moreover, if
16 the final probation report is not made as directed, probation shall be automatically extended until
17 such time as the final report is made and accepted by the board.

18 **4. Interview with the Board**

19 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
20 with the board or its designee, at such intervals and locations as are determined by the board or its
21 designee. Failure to appear for any scheduled interview without prior notification to board staff,
22 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
23 the period of probation, shall be considered a violation of probation.

24 **5. Cooperate with Board Staff**

25 Respondent shall timely cooperate with the board's inspection program and with the board's
26 monitoring and investigation of respondent's compliance with the terms and conditions of the
27 probation, including but not limited to: timely responses to requests for information by board
28 staff; timely compliance with directives from board staff regarding requirements of any term or

1 condition of probation; and timely completion of documentation pertaining to a term or condition
2 of probation. Failure to timely cooperate shall be considered a violation of probation.

3 **6. Reimbursement of Board Costs**

4 As a condition precedent to successful completion of probation, respondent shall pay to the
5 board its costs of investigation and prosecution in the amount of \$ 13,763.75. Respondent shall
6 be held jointly and severally liable for these costs with RPH 52061, Respondent Naghi. Failure to
7 pay costs by the deadline(s) as directed shall be considered a violation of probation. Respondent
8 shall be permitted to pay these costs in a payment plan approved by the Board or its designee, so
9 long as full payment is completed no later than one (1) year prior to the end date of probation.

10 **7. Probation Monitoring Costs**

11 Respondent shall pay any costs associated with probation monitoring as determined by the
12 board each and every year of probation. Such costs shall be payable to the board on a schedule as
13 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
14 be considered a violation of probation.

15 **8. Status of License**

16 Respondent shall, at all times while on probation, maintain a current Pharmacy Permit with
17 the board. Failure to maintain current licensure shall be considered a violation of probation.

18 If respondent's permit expires or is cancelled by operation of law or otherwise at any time
19 during the period of probation, including any extensions thereof or otherwise, upon renewal or
20 reapplication respondent's permit shall be subject to all terms and conditions of this probation not
21 previously satisfied.

22 **9. License Surrender While on Probation/Suspension**

23 Following the effective date of this decision, should respondent wish to discontinue
24 business, respondent may tender the premises permit to the board for surrender. The board or its
25 designee shall have the discretion whether to grant the request for surrender or take any other
26 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
27 license, respondent will no longer be subject to the terms and conditions of probation.

28 Respondent may not apply for any new license from the board for three (3) years from the

1 effective date of the surrender. Respondent shall meet all requirements applicable to the license
2 sought as of the date the application for that license is submitted to the board.

3 Respondent further stipulates that it shall reimburse the board for its costs of investigation
4 and prosecution prior to the acceptance of the surrender.

5 Upon acceptance of the surrender, respondent shall relinquish the premises wall and
6 renewal license to the board within ten (10) days of notification by the board that the surrender is
7 accepted. Respondent shall further submit a completed Discontinuance of Business form
8 according to board guidelines and shall notify the board of the records inventory transfer within
9 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and
10 disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

11 Respondent shall also, by the effective date of this decision, arrange for the continuation of
12 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
13 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
14 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary
15 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to
16 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the
17 board. For the purposes of this provision, "ongoing patients" means those patients for whom the
18 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
19 pharmacy has filled a prescription within the preceding sixty (60) days.

20 Respondent may not apply for any new license from the board for three (3) years from the
21 effective date of the surrender. Respondent shall meet all requirements applicable to the license
22 sought as of the date the application for that license is submitted to the board.

23 Respondent further stipulates that it shall reimburse the board for its costs of investigation
24 and prosecution prior to the acceptance of the surrender.

25 **10. Sale or Discontinuance of Business**

26 During the period of probation, should respondent sell, trade or transfer all or part of the
27 ownership of the licensed entity, discontinue doing business under the license issued to
28 respondent, or should practice at that location be assumed by another full or partial owner,

1 person, firm, business, or entity, under the same or a different premises license number, the board
2 or its designee shall have the sole discretion to determine whether to exercise continuing
3 jurisdiction over the licensed location, under the current or new premises license number, and/or
4 carry the remaining period of probation forward to be applicable to the current or new premises
5 license number of the new owner.

6 **11. Notice to Employees**

7 Respondent shall, upon or before the effective date of this decision, ensure that all
8 employees involved in permit operations are made aware of all the terms and conditions of
9 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
10 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
11 remain posted throughout the probation period. Respondent shall ensure that any employees hired
12 or used after the effective date of this decision are made aware of the terms and conditions of
13 probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit
14 written notification to the board, within fifteen (15) days of the effective date of this decision, that
15 this term has been satisfied. Failure to timely provide such notification to employees, or to timely
16 submit such notification to the board shall be considered a violation of probation.

17 "Employees" as used in this provision includes all full-time, part-time,
18 volunteer, temporary and relief employees and independent contractors employed or
19 hired at any time during probation.

20 **12. Owners and Officers: Knowledge of the Law**

21 Respondent shall provide, within thirty (30) days after the effective date of this decision,
22 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
23 or more of the interest in respondent or respondent's stock, and all of its officer, stating under
24 penalty of perjury that said individuals have read and are familiar with state and federal laws and
25 regulations governing the practice of pharmacy. The failure to timely provide said statements
26 under penalty of perjury shall be considered a violation of probation.

27 **13. Premises Open for Business**

28 Respondent shall remain open and engaged in its ordinary business as a Pharmacy in

1 California for a minimum of 120 hours per calendar month. Any month during which this
2 minimum is not met shall toll the period of probation, i.e., the period of probation shall be
3 extended by one month for each month during with this minimum is not met. During any such
4 period of tolling of probation, respondent must nonetheless comply with all terms and conditions
5 of probation, unless respondent is informed otherwise in writing by the board or its designee. If
6 respondent is not open and engaged in its ordinary business as a Pharmacy for a minimum of 120
7 hours in any calendar month, for any reason (including vacation), respondent shall notify the
8 board in writing within ten (10) days of the conclusion of that calendar month. This notification
9 shall include at minimum all of the following: the date(s) and hours respondent was open; the
10 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
11 which respondent will resume business as required. Respondent shall further notify the board in
12 writing with ten (10) days following the next calendar month during which respondent is open
13 and engaged in its ordinary business as a Pharmacy in California for a minimum of 120 hours.
14 Any failure to timely provide such notification(s) shall be considered a violation of probation.

15 **14. Posted Notice of Probation**

16 Respondent shall prominently post a probation notice provided by the board or its designee
17 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from
18 the board or its designee. Failure to timely post such notice, or to maintain the posting during the
19 entire period of probation, shall be considered a violation of probation.

20 Respondent shall not, directly or indirectly, engage in any conduct or make any statement
21 which is intended to mislead or is likely to have the effect of misleading any patient, customer,
22 member of the public, or other person(s) as to the nature of and reason for the probation of the
23 licensed entity.

24 **15. Violation of Probation**

25 If a respondent has not complied with any term or condition of probation, the board shall
26 have continuing jurisdiction over respondent, and probation shall be automatically extended, until
27 all terms and conditions have been satisfied or the board has taken other action as deemed
28 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and

1 to impose the penalty that was stayed.

2 If respondent violates probation in any respect, the board, after giving respondent notice
3 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
4 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
5 probation, the board shall have continuing jurisdiction and the period of probation shall be
6 automatically extended until the petition to revoke probation or accusation is heard and decided,
7 and the charges and allegations in Accusation No. 7552 shall be deemed true and correct.

8 **16. Completion of Probation**

9 Upon written notice by the board or its designee indicating successful completion of
10 probation, respondent's license will be fully restored.

11 **17. No Additional Ownership or Management of Licensed Premises**

12 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
13 serve as a manager, administrator, member, officer, director, associate, partner or any business,
14 firm, partnership, or corporation currently or hereinafter licensed by the board except as approved
15 by the board or its designee. Violations of this restriction shall be considered a violation of
16 probation.

17 **18. Consultant Review of Pharmacy Operations**

18 Respondent shall retain, at its own expense, an independent consultant who shall review the
19 operations of the facility, during the period of probation, on a monthly or quarterly basis, as
20 determined by the board or its designee, for compliance of the facility with state and federal laws
21 and regulations governing the practice of pharmacy, and compliance by respondent. The
22 consultant shall provide the board with an inspection agenda for approval prior to conducting the
23 inspection. Any inspection conducted without prior approval of the inspection agenda shall not
24 be accepted. The consultant shall also provide the board with reports documenting the
25 inspection. The reports shall be provided directly to the board, and receive confirmation of
26 receipt from the board, prior to providing to the respondent. Should the board determine that the
27 consultant is not appropriately assessing the operations of respondent, or providing the
28 appropriate written reports, the board shall require respondent to obtain a different consultant

1 through the same process outlined above, by submitting a new name of an expert within sixty
2 (60) days of respondent being notified of the need for a new consultant. During the period of
3 probation, the board shall retain discretion to reduce the frequency of the consultant's review.

4 Respondent shall submit the name of the proposed consultant for approval within thirty (30)
5 days of the effective date of this decision. The consultant shall be a pharmacist licensed by and
6 not on probation with the board or other professional as appropriate and not on probation with
7 the board, who has been approved by the board to serve in this position. The consultant shall
8 have sufficient education, training, and professional experience to be able to provide guidance to
9 respondent related to the causes for discipline in Case No. 7552. Assumption of any
10 unauthorized supervision responsibilities shall be considered a violation of probation.

11 Failure to timely seek approval for, timely retain, or ensure timely reporting by the
12 consultant shall be considered a violation of probation.

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1 **ACCEPTANCE**

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will
4 have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
6 Board of Pharmacy.

7 DATED: _____
8 NAGHI LIVING TRUST AND CRESCENT DRUGS,
9 INC., DBA CRESCENT DRUGS, INC., EBRAHIM
10 DAVID NAGHI, CEO/PRES/SH
11 *Respondent*

12 I have read and fully discussed with Respondent Naghi Living Trust and Crescent Drugs,
13 Inc., dba Crescent Drugs, Inc., Ebrahim David Naghi, CEO/PRES/SH the terms and conditions
14 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
15 its form and content.

16 DATED: _____
17 IVAN PETRZELKA
18 *Attorney for Respondent*

19 **ENDORSEMENT**

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

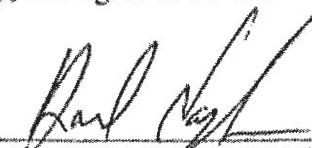
22 DATED: _____ Respectfully submitted,
23 ROB BONTA
24 Attorney General of California
25 SHAWN P. COOK
26 Supervising Deputy Attorney General

27 CHRISTINA THOMAS
28 Deputy Attorney General
Attorneys for Complainant

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on my Pharmacy Permit. 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: 12/27/2024



NAGHI LIVING TRUST AND CRESCENT DRUGS, INC., DBA CRESCENT DRUGS, INC., EBRAHIM DAVID NAGHI, CEO/PRES/SH
Respondent

I have read and fully discussed with Respondent Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc., Ebrahim David Naghi, CEO/PRES/SH the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/27/2024



IVAN PETRZELKA
Attorney for Respondent

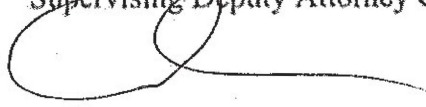
ENDORSEMENT

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

DATED: 12/31/24

Respectfully submitted,

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



CHRISTINA THOMAS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 7552

1 ROB BONTA
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2 SHAWN P. COOK
Supervising Deputy Attorney General
3 CHRISTINA THOMAS
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Attorneys for Complainant
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14 **DRUGS, INC., DBA CRESCENT DRUGS,**
15 **INC.,**
16 **EBRAHIM DAVID NAGHI, CEO/PRES**
17 **5915 Blackwelder St.**
18 **Culver City, CA 90232**

ACCUSATION

19 **Pharmacy Permit No. PHY 50359,**

20 **and**

21 **PANTEA HENDIZADEH NAGHI**
22 **1270 Coldwater Canyon Dr.**
23 **Beverly Hills, CA 90210**

24 **Pharmacist License No. RPH 52061,**

25 Respondents.

26 **PARTIES**

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

2. On or about June 2, 2011, the Board of Pharmacy (Board) issued Pharmacy Permit
Number PHY 50359 to Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc.

1 (Respondent Crescent). The Pharmacy Permit was in full force and effect at all times relevant to
2 the charges brought herein and will expire on June 1, 2024, unless renewed. Ebrahim David
3 Naghi has served or been listed in Board records as Chief Executive Officer, President, and
4 shareholder of Respondent Crescent, and Pantea Hendizadeh Naghi has been listed in Board
5 records as shareholder of Respondent Crescent at all times relevant to the charges brought herein.

6 3. On or about September 6, 2000, the Board issued Pharmacist License Number RPH
7 52061 to Pantea Hendizadeh Naghi (hereinafter, Respondent Pantea Naghi). Pharmacist License
8 Number RPH 52061 was in full force and effect at all times relevant to the charges brought herein
9 and will expire on January 31, 2024, unless renewed. Respondent Pantea Naghi was the
10 Pharmacist-In-Charge of Respondent Crescent at all times relevant to the charges brought herein.

11 **JURISDICTION**

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

15 5. Code section 4011 provides that the Board shall administer and enforce both the
16 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
17 (Health & Safety Code, § 11000 *et seq.*).

18 6. Code section 4300, subdivision (a), provides that every license issued by the Board may
19 be suspended or revoked.

20 7. Code section 4300.1 states:

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

27 8. Code section 4302 states:

28 The board may deny, suspend, or revoke any license where conditions exist in
relation to any person holding 10 percent or more of the ownership interest or where
conditions exist in relation to any officer, director, or other person with management or
control of the license that would constitute grounds for disciplinary action against a
licensee.

1 **STATUTORY PROVISIONS**

2 9. Code section 4022 states:

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

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

7 (b) Any device that bears the statement: Caution: federal law restricts this
8 device to sale by or on the order of a _____, Rx only, or words of similar
9 import, the blank to be filled in with the designation of the practitioner licensed to use
10 or order use of the device.

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

13 10. Code section 4059.5, subdivision (e), states:

14 A dangerous drug or dangerous device shall not be transferred, sold, or
15 delivered to a person outside this state, whether foreign or domestic, unless the
16 transferor, seller, or deliverer does so in compliance with the laws of this state and of
17 the United States and of the state or country to which the dangerous drugs or
18 dangerous devices are to be transferred, sold, or delivered. Compliance with the laws
19 of this state and the United States and of the state or country to which the dangerous
20 drugs or dangerous devices are to be delivered shall include, but not be limited to,
21 determining that the recipient of the dangerous drugs or dangerous devices is
22 authorized by law to receive the dangerous drugs or dangerous devices.

23 11. Code section 4070 states, in pertinent part:

24 (a) Except as provided in Section 4019 and subdivision (b), an oral or an
25 electronic data transmission prescription as defined in subdivision (c) of Section 4040
26 shall as soon as practicable be reduced to writing by the pharmacist and shall be filled
27 by, or under the direction of, the pharmacist....

28 (b) A pharmacy receiving an electronic transmission prescription shall not be
required to reduce that prescription to writing or to hard copy form if, for three years
from the last date of furnishing pursuant to that prescription or order, the pharmacy is
able, upon request by the board, to immediately produce a hard copy report that
includes for each date of dispensing of a dangerous drug or dangerous device
pursuant to that prescription or order: (1) all of the information described in
subparagraphs (A) to (E), inclusive, of paragraph (1) of subdivision (a) of Section
4040, and (2) the name or identifier of the pharmacist who dispensed the dangerous
drug or dangerous device. This subdivision shall not apply to prescriptions for
controlled substances classified in Schedule II, III, IV, or V, except as permitted
pursuant to Section 11164.5 of the Health and Safety Code.

...

12. Section 11164, subdivision (b)(1), of the Health and Safety Code states, in pertinent
part: “any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral

1 or electronically transmitted prescription, which shall be produced in hard copy form and signed
2 and dated by the pharmacist filling the prescription or by any other person expressly authorized
3 by provisions of the Business and Professions Code.”

4 13. Code section 4113, subdivision (c), states: “The pharmacist-in-charge shall be
5 responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining to
6 the practice of pharmacy.”

7 14. Code section 4301 states, in pertinent part:

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

11 ...

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

17 15. Code section 4307, subdivision (a), states:

18 Any person who has been denied a license or whose license has been revoked
19 or is under suspension, or who has failed to renew his or her license while it was
20 under suspension, or who has been a manager, administrator, owner member, officer,
21 director, associate, or partner of any partnership, corporation, firm, or association
22 whose application for a license has been denied or revoked, is under suspension or
23 has been placed on probation, and while acting as the manger, administrator, owner,
24 member, officer, director, associate, or partner had knowledge or knowingly
25 participated in any conduct for which the license was denied, revoked, suspended, or
26 placed on probation, shall be prohibited from serving as a manger, administrator,
27 owner, member, officer, director, associate, or partner of a licensee as follows:

28 (1) Where a probationary license is issued or where an existing license is placed
on probation, this prohibition shall remain in effect for a period not to exceed five
years.

(2) Where the license is denied or revoked, the prohibition shall continue until
the license is issued or reinstated.

COST RECOVERY

16. Code section 125.3 states, in pertinent part, that the Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **DEFINITIONS**

4 17. Testosterone is a hormone found in both genders of humans and is the primary sex
5 hormone and anabolic steroid in males. It is a dangerous drug pursuant to Code section 4022, and
6 classified as a Schedule III controlled substance. Respondent Crescent compounds testosterone
7 topical application products.

8 **FACTUAL ALLEGATIONS**

9 18. At all times alleged herein, Respondent Crescent operated a closed-door pharmacy
10 and compounding pharmacy at a location in Los Angeles County.

11 19. In or about March 2021, a Board investigator conducted an inspection of Respondent
12 Crescent. During the inspection, the Board investigator requested that Respondents provide
13 prescription dispensing data and laboratory reports pertaining to certain controlled substance
14 prescriptions that Respondents compounded.

15 20. An analysis of the records provided by Respondents revealed that Respondents failed
16 to comply with regulations governing controlled substance prescriptions with respect to at least
17 eight prescriptions for controlled substances, in that certain oral or electronic prescriptions for
18 controlled substances were not reduced to writing, and in that certain prescriptions for controlled
19 substances were not signed and dated by the pharmacist.

20 21. In addition, Respondents' records revealed that Respondents had dispensed multiple
21 prescriptions, and in some cases prescription refills, to patients in the following states: North
22 Carolina; Texas; Ohio, New York; West Virginia; Maryland; Indiana; Hawaii; Florida; Illinois;
23 Utah; Rhode Island; Colorado; Vermont; and Wisconsin. However, Respondents were not
24 licensed or registered in any of those states, and that majority of the shipped prescriptions were
25 for compounded preparations including testosterone.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 22. Paragraphs 18 through 21 are incorporated herein by this reference.

4 23. Respondents are subject to disciplinary action under Code section 4301, subdivision
5 (o), in conjunction with Code section 4070, subdivision (a), and Health and Safety Code section
6 11164, subdivision (b)(1), in that Respondents failed to comply with statutes governing controlled
7 substance prescriptions by failing to reduce prescriptions to writing and by failing to sign and date
8 prescriptions.

9 **SECOND CAUSE FOR DISCIPLINE**

10 (Unprofessional Conduct)

11 24. Paragraphs 18 through 21 are incorporated herein by this reference.

12 25. Respondents are subject to disciplinary action under Code section 4301, subdivision
13 (o), in conjunction with Code section 4059.5, subdivision (e), in that Respondents dispensed
14 prescriptions for controlled substances, and in some cases prescription refills, to patients in states
15 in which Respondents were not licensed or registered.

16 **THIRD CAUSE FOR DISCIPLINE**

17 (Unprofessional Conduct)

18 26. Paragraphs 18 through 21 are incorporated herein by this reference.

19 27. Respondents are subject to disciplinary action under Code section 4301, subdivision
20 (o), in conjunction with Code section 4059.5, subdivision (e), in that Respondents dispensed
21 dozens of prescriptions for controlled substances, and in some cases prescription refills, to
22 patients in states in which Respondents were not licensed or registered.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 (Failure to Ensure Compliance with Pharmacy Law)

25 28. Paragraphs 18 through 21 are incorporated herein by this reference.

26 29. Respondent Pantea Naghi is subject to disciplinary action under Code section 4301,
27 subdivision (o), in conjunction with Code section 4113, subdivision (c), in that Respondent
28

1 Pantea Naghi failed to ensure that Respondent Crescent complied with laws pertaining to the
2 practice of pharmacy.

3 **OTHER MATTERS**

4 30. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
5 PHY 50359 issued to Respondent Crescent, Respondent Crescent shall be prohibited from serving
6 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
7 for five years if Pharmacy Permit number PHY 50359 is placed on probation or until Pharmacy
8 Permit Number PHY 50359 is reinstated if revoked.

9 31. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
10 PHY 50359 issued to Respondent Crescent, while Ebrahim David Naghi has been an officer,
11 owner, manager, or director, and had knowledge of or knowingly participated in any conduct for
12 which the license was disciplined, Ebrahim David Naghi shall be prohibited from serving as a
13 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
14 five years if Pharmacy Permit Number PHY 50359 is placed on probation or until Pharmacy
15 Permit Number PHY 50359 is reinstated if it is revoked.

16 32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
17 PHY 50359 issued to Respondent Crescent, while Respondent Pantea Naghi has been the
18 Pharmacist-In-Charge and had knowledge of or knowingly participated in any conduct for which
19 the license was disciplined, Respondent Pantea Naghi shall be prohibited from serving as a
20 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
21 five years if Pharmacy Permit Number PHY 50359 is placed on probation or until Pharmacy
22 Permit Number PHY 50359 is reinstated if it is revoked.

23 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
24 Number RPH 52061 issued to Respondent Pantea Naghi, while Respondent Pantea Naghi has
25 been the Pharmacist-In-Charge and had knowledge of or knowingly participated in any conduct
26 for which the license was disciplined, Respondent Pantea Naghi shall be prohibited from serving
27 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
28

1 for five years if Pharmacist License Number RPH 52061 is placed on probation or until
2 Pharmacist License Number RPH 52061 is reinstated if it is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Pharmacy Permit Number PHY 50359, issued to Naghi
7 Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc.,

8 2. Revoking or suspending Pharmacist License Number RPH 52061, issued to Pantea
9 Hendizadeh Naghi;

10 3. Prohibiting Naghi Living Trust and Crescent Drugs, Inc., dba Crescent Drugs, Inc.,
11 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
12 of a licensee for five years if Pharmacy Permit Number PHY 50359 is placed on probation or
13 until it is reinstated if it is revoked;

14 4. Prohibiting Pantea Hendizadeh Naghi from serving as a manager, administrator,
15 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
16 Permit Number PHY 50359 is placed on probation or until it is reinstated if it is revoked;

17 5. Prohibiting Pantea Hendizadeh Naghi from serving as a manager, administrator,
18 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
19 License number RPH 52061 is placed on probation or until it is reinstated if it is revoked;

20 6. Prohibiting Ebrahim David Naghi from serving as a manager, administrator, owner,
21 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
22 Number PHY 50359 is placed on probation or until it is reinstated if it is revoked;

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