

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

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

In the Matter of the Accusation Against:

Case No. 7622

**HAMED SEYYEDI
22196 Fuchsia Ct.
Woodland Hills, CA 91367**

DEFAULT DECISION AND ORDER

**Pharmacy Technician Registration No.
185324**

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 4, 2023, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7622 against Hamed Seyyedi (Respondent) before the Board of Pharmacy.

(Accusation attached as Exhibit A.)

2. On or about April 5, 2022, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. 185324 to Respondent. Pharmacy Technician Registration No. 185324 was in full force and effect at all times relevant to the charges brought in Accusation No. 7622 and will expire on January 31, 2024 unless renewed.

1 3. On or about October 5, 2023, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 7622, Statement to Respondent, Disciplinary Guidelines,
3 Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections
4 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business
5 and Professions Code section 4100, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 22196 Fuchsia Ct., Woodland Hills, CA 91367.

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

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

10 (c) The respondent shall be entitled to a hearing on the merits if the respondent
11 files a notice of defense . . . and the notice shall be deemed a specific denial of all
12 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
13 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
14 discretion may nevertheless grant a hearing.

15 6. The Board takes official notice of its records and the fact that Respondent failed to
16 file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore
17 waived his right to a hearing on the merits of Accusation No. 7622.

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

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

23 8. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on the
25 relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
26 finds that the charges and allegations in Accusation No. 7622, are separately and severally, found
27 to be true and correct by clear and convincing evidence.

28 9. The Board finds that the actual costs for Investigation and Enforcement are \$3,343.25
as of October 26, 2023.

\\

\\

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Hamed Seyyedi has subjected
3 his Pharmacy Technician Registration No. 185324 to discipline.

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

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

8 a. Business and Professions Code section 4301, subdivision (f), acts involving moral
9 turpitude, dishonesty, fraud, deceit, or corruption;

10 b. Business and Professions Code section 4301, subdivision (j), violations of laws
11 regulating controlled substances or dangerous drugs; and

12 c. Business and Professions Code section 4301, unprofessional conduct.

13 **ORDER**

14 IT IS SO ORDERED that Pharmacy Technician Registration No. 185324, issued to
15 Respondent Hamed Seyyedi, is revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
17 written motion requesting that the Decision be vacated and stating the grounds relied on within
18 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
19 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

20 This Decision shall become effective at 5:00 p.m. on January 17, 2024.

21 It is so ORDERED on December 18, 2023.

22 BOARD OF PHARMACY DEPARTMENT
23 OF CONSUMER AFFAIRS
24 STATE OF CALIFORNIA

25 By _____
26



27 Seung W. Oh, Pharm. D.
28 Board President

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 ROB BONTA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 MATTHEW S. BEASLEY
Deputy Attorney General
4 State Bar No. 288070
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6705
6 Facsimile: (916) 731-2126
E-mail: Matthew.Beasley@doj.ca.gov
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:

Case No. 7622

13 **HAMED SEYYEDI**
14 **22196 Fuchsia Ct.**
Woodland Hills, CA 91367

ACCUSATION

15 **Pharmacy Technician Registration No. TCH**
16 **185324**

17 Respondent.

18
19
20
21 **PARTIES**

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

24 2. On or about April 5, 2022, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 185324 to Hamed Seyyedi (Respondent). Unless otherwise alleged,
26 the Pharmacy Technician Registration was in full force and effect at all times relevant to the
27 charges brought herein. The Pharmacy Technician Registration will expire on January 31, 2024,
28 unless renewed.

1 **JURISDICTION**

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

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

8 5. Code section 4300, subdivision (a), provides that every license issued by the Board
9 may be suspended or revoked.

10 6. Section 4300.1 of the Code states:

11 The expiration, cancellation, forfeiture, or suspension of a board-issued license
12 by operation of law or by order or decision of the board or a court of law, the
13 placement of a license on a retired status, or the voluntary surrender of a license by a
14 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.

15 **STATUTORY PROVISIONS**

16 7. Section 4022 of the Code states:

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

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

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

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

24 8. Section 4301 of the Code states, in pertinent part:

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

27 ...

28 (f) The commission of any act involving moral turpitude, dishonesty, fraud,

1 deceit, or corruption, whether the act is committed in the course of relations as a
2 licensee or otherwise, and whether the act is a felony or misdemeanor or not.

3 ...

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

6 ...

7 9. Section 4022 of the Code states

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

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

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

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

18 10. Section 4060 of the Code states:

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

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

COST RECOVERY

35 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
36 administrative law judge to direct a licensee found to have committed a violation or violations of
37 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
38 enforcement of the case, with failure of the licensee to comply subjecting the license to not being

1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **DRUG DESCRIPTION**

4 12. *Tramadol*, trade name Ultram, is a dangerous drug within the meaning of Code
5 section 4022. Tramadol is approved by the Food and Drug Administration for the treatment of
6 moderate to moderately severe pain in adults. Tramadol is a synthetic opioid, and carries a high
7 risk of addiction.

8 **FACTUAL ALLEGATIONS**

9 13. From April 2022 through April 2023, Respondent worked as a pharmacy technician
10 at a CVS Pharmacy in Los Angeles County.

11 14. On or about May 2, 2023, CVS Pharmacy staff reported to the Board a theft or loss of
12 controlled substances, and reported that employee theft was suspected. Respondent admitted, to
13 CVS loss control personnel, stealing 760 tramadol 50mg tablets. Respondent was fired by CVS
14 Pharmacy.

15 15. A Board inspector contacted Respondent regarding the foregoing. In reply to an
16 email form the Board inspector, Respondent provided a written statement which read, in part: "I
17 was an employee of CVS for 2 years and did not do anything wrong in these 2 years except the
18 time I took the drug from CVS. The drug was Tramadol 50mg and it was the only drug I took
19 from CVS. The quantity was 760. The first time was last November and the last time was in
20 April.... Someone needed this drug and the person said will give me money so I took the
21 medication and give to the person."

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)

24 16. Paragraphs 13 through 15 are incorporated herein by this reference.

25 17. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
26 in that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
27 corruption when he stole Tramadol pills from CVS and then sold them.

28

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Violation of Laws Regulating Controlled Substances or Dangerous Drugs)

3 18. Paragraphs 13 through 15 are incorporated herein by this reference.

4 19. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
5 in that Respondent violated Code section 4060, a law regulating controlled substances or
6 dangerous drugs, when he stole Tramadol pills from CVS and then sold them.

7 **THIRD CAUSE FOR DISCIPLINE**

8 (Unprofessional Conduct)

9 20. Paragraphs 13 through 15 are incorporated herein by this reference.

10 21. Respondent is subject to disciplinary action under Code section 4301, in that
11 Respondent committed unprofessional conduct when he stole Tramadol pills from CVS and then
12 sold them.

13 **PRAYER**

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

- 16 1. Revoking or suspending Pharmacy Technician Registration Number TCH 185324,
17 issued to Hamed Seyyedi;
- 18 2. Ordering Hamed Seyyedi to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

22
23 DATED: 10/4/2023

24 Sodergren,
25 Anne@DCA
26 ANNE SODERGREN
27 Executive Officer
28 Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.10.04 15:48:29 -07'00'