

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

In the Matter of the Accusation Against:

AZITA ARBAB,

Pharmacist License No. RPH 47420

Respondent.

Agency Case No. 7240

OAH No. 2022120010

DECISION AND ORDER

The attached Stipulated Settlement and Order for Suspension of License 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 May 19, 2023.

It is so ORDERED on May 19, 2023.

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 fluid and cursive, with the first name "Seung" and last name "Oh" being clearly legible.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIONNE MOCHON
Deputy Attorney General
4 State Bar No. 203092
600 West Broadway, Suite 1800
5 San Diego, CA 92101
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Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF PHARMACY**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**
13

14 In the Matter of the Accusation Against:

15 **AZITA ARBAB,**
16 **AKA AZITA ARBAB-KALANTARI**
P. O. Box 10297
Newport Beach, CA 92658

17 **Pharmacist License No. RPH 47420**

18 Respondent.
19

Case No. 7240

**STIPULATED SETTLEMENT AND
ORDER FOR SUSPENSION OF
LICENSE**

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

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Registered
24 Nursing. She brought this action solely in her official capacity and is represented in this matter
25 by Rob Bonta, Attorney General of the State of California, by Dionne Mochon, Deputy Attorney
26 General.

27 ///

28 ///

2. Respondent, Azita Arbab a.k.a. Azita Arbab Kantaril (Respondent), is represented by attorney Herb L. Weinberg Esq., whose address is 1990 S. Bundy Drive, Suite 777, Los Angeles, CA 90025.

3. On or about August 23, 1994, the Board issued Pharmacist License No. RPH 47420 to Respondent. The Pharmacist License was in full force and effect at all times relevant to Case No. 7240 and will expire on April 30, 2024, unless renewed.

JURISDICTION

4. On December 2, 2022, the Board issued an order (the Order) requiring Respondent to submit to a mental and/or physical examination to determine whether she is impaired due to mental and/or physical illness affecting her fitness to practice. The Order required Respondent obtain a mental health examination by a board-appointed examiner no later than thirty days from the date of service of the Order. The Board served Respondent with the Order on December 2, 2022 by regular and certified mail. A true and correct copy of the Order is attached as Exhibit A.

5. Accusation No. 7240 was filed on March 24, 2023 before the Board, and is currently pending against Respondent. The Accusation alleged that Respondent failed to comply with the Order and sought revocation of Respondent's license. The Accusation and all other statutorily required documents were properly served on Respondent on April 4, 2023. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit B and is incorporated by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in the Accusation No. 7240. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Order for Suspension.

7. Respondent is fully aware of her legal rights in this matter, including the right to a hearing on the Accusation; the right to present both oral and documentary evidence and argument to the Board on her own behalf; and the right to have an administrative law judge prepare a written decision setting forth the reasons supporting the decision for the Board's consideration;

1 the right to reconsideration and court review of an adverse decision; and all other rights accorded
2 by the California Administrative Procedure Act and other applicable laws.

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

5 **CULPABILITY**

6 9. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 7240, agrees that cause exists for discipline and hereby agrees to the suspension of her
8 Pharmacist License No. RPH 47420 pending the resolution of the Order Compelling Mental
9 Health Examination.

10 10. Respondent understands that by signing this stipulation she enables the Board to issue
11 an order accepting the suspension of her Pharmacist License without further process pending the
12 completion of a mental health examination and the Board's determination that she is safe to
13 practice.

14 **CONTINGENCY**

15 11. This Stipulated Settlement and Order for Suspension shall be subject to approval by
16 the Board. Respondent understands and agrees that the staff of the Board may communicate
17 directly with the Board regarding this Stipulated Settlement and Order for Suspension, without
18 notice to or participation by Respondent. By signing the Stipulated Settlement and Order for
19 Suspension, Respondent understands and agrees that she may not withdraw her agreement or seek
20 to rescind the Stipulated Settlement and Order for Suspension prior to the time the Board
21 considers and acts upon it. If the Board fails to adopt this Stipulated Settlement and Order for
22 Suspension as its Decision and Order, the Stipulated Settlement and Order for Suspension shall be
23 of no force or effect, except for this paragraph, it shall be inadmissible in any legal action and the
24 Board shall not be disqualified from further action by having considered this matter.

25 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Surrender of License and Order, including PDF and facsimile signatures
27 thereto, shall have the same force and effect as the originals.

28 ///

11. This Stipulated Settlement and Order for Suspension 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 Order for Suspension 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. This Stipulated Settlement and Order for Suspension is an integrated writing representing the complete, final, and exclusive embodiment of the agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, settlements, and commitments (written or oral).

14. In consideration of the stipulation, the Board may, without further notice or formal proceeding, issue and enter the following Order:

ORDER

IT IS HEREBY ORDERED that Respondent Azita Arbab a.k.a. Azita Arbab Kantaril's Pharmacist License No. RPH 47420 shall be suspended as of the date that Respondent signs this stipulation. The terms of the suspension are as follows:

(1) Within thirty (30) days, Respondent shall undergo a mental and/or physical evaluation as set forth in the Board's Order Compelling Examination filed December 2, 2022. The approved evaluator shall be provided with a copy of the Board's Order Compelling Examination filed December 2, 2022. Failure to comply with any requirement or deadline stated by this paragraph shall be considered a basis for the filing of an Accusation.

(2) If the approved evaluator determines that Respondent is unable to practice safely, the Board shall file an Accusation against Respondent pursuant to Business and Professions Code section 822 within forty-five days of the Board's receipt of the evaluator's report. The suspension of Respondent's license shall remain in effect pending the final decision of the Board on the Accusation. Respondent shall not resume practice until notified by the Board or its designee that practice may resume.

///

1 (3) If the approved evaluator determines that Respondent is safe to practice, the
2 suspension against Respondent's Pharmacist License shall be lifted forthwith.

3 (4) During the period of suspension, Respondent shall not enter any pharmacy area or
4 any portion of the licensed premises of a wholesaler, third-party logistics provider, veterinary
5 food-animal drug retailer, or any other distributor of drugs which is licensed by the board, or any
6 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
7 substances are maintained.

8 (5) During the period of suspension, Respondent shall not practice pharmacy nor do any
9 act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
10 patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee
11 of the board, or have access to or control the ordering, distributing, manufacturing or dispensing
12 of dangerous drugs and/or dangerous devices or controlled substances. During any suspension,
13 Respondent shall not engage in any activity that requires the professional judgment of and/or
14 licensure as a pharmacist. Respondent shall not direct or control any aspect of the practice of
15 pharmacy, or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs
16 and/or dangerous devices or controlled substances.

17 (7) Failure to comply with any provision in this Stipulated Order shall be considered a
18 cause for discipline, including outright revocation.

19 **ACCEPTANCE**

20 I enter into this Stipulated Settlement and Order voluntarily, knowingly, and intelligently,
21 and agree to be bound by the Decision and Order of the Board of Pharmacy.

22
23 DATED: _____

AZITA ARBAB, AKA AZITA ARBAB-
KALANTARI
Respondent

1 (3) If the approved evaluator determines that Respondent is safe to practice, the
2 suspension against Respondent's Pharmacist License shall be lifted forthwith.

3 (4) During the period of suspension, Respondent shall not enter any pharmacy area or
4 any portion of the licensed premises of a wholesaler, third-party logistics provider, veterinary
5 food-animal drug retailer, or any other distributor of drugs which is licensed by the board, or any
6 manufacturer, or any area where dangerous drugs and/or dangerous devices or controlled
7 substances are maintained.

8 (5) During the period of suspension, Respondent shall not practice pharmacy nor do any
9 act involving drug selection, selection of stock, manufacturing, compounding, dispensing or
10 patient consultation; nor shall Respondent manage, administer, or be a consultant to any licensee
11 of the board, or have access to or control the ordering, distributing, manufacturing or dispensing
12 of dangerous drugs and/or dangerous devices or controlled substances. During any suspension,
13 Respondent shall not engage in any activity that requires the professional judgment of and/or
14 licensure as a pharmacist. Respondent shall not direct or control any aspect of the practice of
15 pharmacy, or of the manufacturing, distributing, wholesaling, or retailing of dangerous drugs
16 and/or dangerous devices or controlled substances.

17 (7) Failure to comply with any provision in this Stipulated Order shall be considered a
18 cause for discipline, including outright revocation.

19 ACCEPTANCE

20 I enter into this Stipulated Settlement and Order voluntarily, knowingly, and intelligently,
21 and agree to be bound by the Decision and Order of the Board of Pharmacy.

22
23 DATED: 5/8/2023

24 
25 AZITA ARBAB, AKA AZITA ARBAB-
26 KALANTARI
27 Respondent
28

1 I have read and fully discussed with Respondent Azita Arbab a.k.a. Azita Arbab-Kalantari
2 the terms and conditions and other matters contained in this Stipulated Order. I approve its form
3 and content.

4
5 DATED: _____

6 HERB L. WEINBERG
7 *Attorney for Respondent*

8
9 **ENDORSEMENT**

10 The foregoing Stipulated Order is hereby respectfully submitted for consideration by the
11 Board of Pharmacy of the Department of Consumer Affairs.

12
13 Dated: May 3, 2023

Respectfully submitted,

14 ROB BONTA
15 Attorney General of California
16 MARICHELLE S. TAHIMIC
17 Supervising Deputy Attorney General

18 DIONNE MOCHON
19 Deputy Attorney General
20 *Attorneys for Complainant*

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22 83937181 (002) (002).docx
23
24
25
26
27
28

1 I have read and fully discussed with Respondent Azita Arbab a.k.a. Azita Arbab-Kalantari
2 the terms and conditions and other matters contained in this Stipulated Order. I approve its form
3 and content.

4
5 DATED: 5/8/2023


HERB L. WEINBERG
Attorney for Respondent

8
9 **ENDORSEMENT**

10 The foregoing Stipulated Order is hereby respectfully submitted for consideration by the
11 Board of Pharmacy of the Department of Consumer Affairs.

12
13 Dated: May 3, 2023

Respectfully submitted,

14 ROB BONTA
Attorney General of California
15 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General

16
17 *Dionne Mochon*
DIONNE MOCHON
18 Deputy Attorney General
Attorneys for Complainant

19 SD2023800149
20 83937181 (002) (002).docx

EXHIBIT A

Decision and Order to Compel Mental and/or Physical Examination

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIONNE MOCHON
Deputy Attorney General
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7 Facsimile: (619) 645-2061
E-mail: Dionne.Mochon@doj.ca.gov
8 *Attorneys for Petitioner*

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

13 In the Matter of the Petition to Compel an
Order for Mental or Physical Examination of:

14 **AZITA ARBAB,**
15 **AKA AZITA ARBAB-KALANTARI**
16 **P. O. Box 10297**
Newport Beach, CA 92658

17 **Pharmacist License No. RPH 47420**

18 Respondent.

Case No. 7240

**PETITION FOR AN ORDER
COMPELLING MENTAL OR
PHYSICAL EXAMINATION**

[Bus. & Prof. Code § 820]

19
20 Petitioner alleges:

21 **PARTIES**

22 1. Anne Sodergren (Petitioner) brings this Petition for an Order Compelling Mental or
23 Physical Examination solely in her official capacity as the Executive Officer of the Board of
24 Pharmacy (Board), Department of Consumer Affairs.

25 2. On or about August 23, 1994, the Board of Pharmacy issued Pharmacist License
26 Number RPH 47420 to Azita Arbab, aka Azita Arbab-Kalantari (Respondent). The Pharmacist
27 License was in full force and effect at all times relevant to the charges brought in this Petition and
28 will expire on April 30, 2022, unless renewed.

JURISDICTION

3. This Petition for an Order Compelling Mental or Physical Examination is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 4300.1 of the Code states:

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

5. Section 820 of the Code states:

Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licentiate's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licentiate to be examined by one or more physicians and surgeons or psychologists designated by the agency. The report of the examiners shall be made available to the licentiate and may be received as direct evidence in proceedings conducted pursuant to Section 822.

6. Section 821 of the Code provides that the licentiate's failure to comply with an order issued under section 820 shall constitute grounds for the suspension or revocation of the licentiate's certificate or license.

7. Section 822 of the Code states:

If a licensing agency determines that its licentiate's ability to practice his or her profession safely is impaired because the licentiate is mentally ill, or physically ill affecting competency, the licensing agency may take action by any one of the following methods:

(a) Revoking the licentiate's certificate or license.

(b) Suspending the licentiate's right to practice.

(c) Placing the licentiate on probation.

(d) Taking such other action in relation to the licentiate as the licensing agency in its discretion deems proper.

The licensing section shall not reinstate a revoked or suspended certificate or license until it has received competent evidence of the absence or control of the condition which caused its action and until it is satisfied that with due regard for the

1 public health and safety the person's right to practice his or her profession may be
2 safely reinstated.

3 **FACTUAL ALLEGATIONS**

4 8. On December 9, 2020, in a criminal proceeding entitled, *The People of the State of*
5 *California v. Azita Azbab aka Azita Arbab*, Case Number SM123412A, Respondent was
6 convicted on her plea of no contest to violation of Penal Code section 602(1), Trespass: occupy
7 property without consent. Respondent was sentenced to 90 days in custody, stayed pending
8 completion of community service, 100 hours of community service, fines totaling \$579.00 and
9 was ordered to stay away from the locations where the incidents occurred. The facts that led to
10 the conviction are as follows.

11 9. On or about August 4, 2020, deputies from the Kern County Sheriff's Department
12 dispatched to a local gas station to respond to a call for disturbance of the peace. Deputy SW
13 arrived on scene and spoke with the gas station staff. Deputy SW was informed that Respondent
14 began screaming and yelling when Respondent's credit cards were declined. When approached
15 by Deputy SW, Respondent informed Deputy SW that she was traveling to Sacramento,
16 California and stopped to purchase fuel. Respondent stated that she had no money and her credit
17 cards did not work. Deputy SW pointed Respondent to the freeway entrance directly across from
18 the gas station and informed her that the gas station did not want her on the property. Respondent
19 then proceeded to drive past the freeway entrance to a nearby McDonald's Restaurant. Deputy
20 SW and Deputy JO positioned their vehicles towards the location and viewed Respondent stop at
21 the drive through window for an extended period of time. Several patrons were forced to reverse
22 their vehicles to avoid hitting Respondent. Deputy SW observed Respondent leave her car in the
23 drive through and walk with her dog throughout the parking lot. Deputy SW approached
24 Respondent and asked her what she was doing. Respondent replied that she was waiting for her
25 credit cards to go through for payment. Deputy SW reminder Respondent that she informed him
26 that her cards were not working. Respondent began yelling that she was recording Deputy SW.
27 Deputy SW requested Respondent move her vehicle. Respondent informed Deputy SW that she
28 would not and asked him to drive her to a bathroom. Deputy SW arrested Respondent shortly
thereafter.

1 10. On July 9, 2021, in a criminal proceeding entitled, *The People of the State of*
2 *California v. Azita Azbab aka Azita Arbab*, Case Number BM951494A, Respondent was
3 convicted on her plea of no contest to violation of Penal Code section 148(a)(1), obstruction and
4 resisting arrest. Respondent was sentenced to probation for a period of one year under terms and
5 conditions, including four days incarceration, and a fine in the amount of \$511.00. The facts that
6 led to the conviction are as follows.

7 11. On or about August 5, 2020, officers responded to a robbery alarm at a Verizon store
8 located in Bakersfield, California. Store employee JS informed the responding officers that
9 Respondent became furious when store employees would not authorize the use of a personal
10 check to purchase a cellular phone charger. Respondent continued to yell, throw her cellular
11 phone in the air, and became aggressive towards store employees. Store patrons left the facility
12 because they feared Respondent's behavior.

13 12. Officers approached Respondent and asked that she leave the premises. Respondent
14 refused to do so and stated she would call her attorney. Officers informed her that if she refused
15 to leave, she would be arrested. Respondent refused to do so and was subsequently arrested.

16 **CAUSE FOR MENTAL OR PHYSICAL EXAMINATION**
17 **(Possible Mental Illness Impairing Safe Practice)**

18 13. Respondent's ability to safely practice as a Registered Pharmacist may be impaired
19 due to mental illness as set forth in paragraphs 8 through 12 and incorporated herein.

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PRAYER

THEREFORE, Petitioner requests that the Board issue an order under Business and Professions Code section 820 requiring that Respondent Azita Arbab, aka Azita Arbab-Kalantari be examined by a physician specializing in psychiatry or by a qualified psychologist at a time convenient to Respondent and to the examiner, but not more than 30 days from the date of service of the issued order, to determine whether Respondent Azita Arbab, aka Azita Arbab-Kalantari is or may be mentally ill to the extent that Respondent's ability to safely practice as a Registered Pharmacist is impaired.

DATED:

5/31/2022

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2022.05.31
20:21:57 -07'00'

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

SD2022800173
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**BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition to Compel an
Order for Mental or Physical Examination of:

**AZITA ARBAB, AKA AZITA ARBAB-
KALANTARI
P. O. Box 10297
Newport Beach, CA 92658
Pharmacist License No. RPH 47420**

Respondent.

Case No. 7240

**ORDER COMPELLING MENTAL OR
PHYSICAL EXAMINATION**

[Bus. & Prof. Code § 820]

Petitioner Anne Sodergren, Executive Officer, Board of Pharmacy, Department of Consumer Affairs having petitioned this Board for an order requiring Azita Arbab (Respondent) to be examined by a physician specializing in psychiatry, or by a psychologist, under Business and Professions Code section 820, and it appearing to the Board that Respondent may be mentally ill to the extent that Respondent's ability to safely practice as a Registered Pharmacist is impaired, the Order of the Board is as follows:

IT IS ORDERED under Business and Professions Code section 820 that:

1. Respondent shall submit to an examination to be conducted by a physician specializing in psychiatry or by a psychologist selected by the Board or its designee to determine whether Respondent is mentally ill to the extent that Respondent's ability to safely practice as a Registered Pharmacist is impaired;
2. The examination of Respondent shall be conducted at a time mutually convenient to Respondent and the examiner selected by the Board, but in no event later than thirty (30) days from the date of service of this Order; and
3. The examination shall continue day to day until completed and shall include any examinations or tests ordered or conducted by the examining psychiatrist or psychologist as considered necessary in the examiner's professional judgment, and the results of the

examination(s) shall be reported by the examiner in a detailed written report setting forth the examiner's findings and conclusion.

DATED: December 2, 2022

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with a large loop at the beginning and a distinct "Oh" at the end.

SEUNG W. OH, PRESIDENT
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:SD2022800173

EXHIBIT B

Accusation No. 7240 Filed March 24, 2023

1 ROB BONTA
Attorney General of California
2 MARICHELLE S. TAHIMIC
Supervising Deputy Attorney General
3 DIONNE MOCHON
Deputy Attorney General
4 State Bar No. 203092
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5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9012
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 7240

14 **AZITA ARBAB,**
15 **AKA AZITA ARBAB-KALANTARI**
P. O. Box 10297
16 **Newport Beach, CA 92658**

ACCUSATION

17 **Pharmacist License No. RPH 47420**

18 Respondent.

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 (Board), Department of Consumer Affairs.

22 2. On or about August 23, 1994, the Board issued Pharmacist License Number RPH
23 47420 to Azita Arbab, aka Azita Arbab-Kalantari (Respondent). The Pharmacist License was in
24 full force and effect at all times relevant to the charges brought in this Petition and will expire on
25 April 30, 2024, unless renewed.

26 ///

27 ///

28 ///

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 4300.1 of the Code states:

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

11 **STATUTORY PROVISIONS**

12 5. Section 820 of the Code states:

13 Whenever it appears that any person holding a license, certificate or permit
14 under this division or under any initiative act referred to in this division may be
15 unable to practice his or her profession safely because the licentiate's ability to
16 practice is impaired due to mental illness, or physical illness affecting competency,
17 the licensing agency may order the licentiate to be examined by one or more
18 physicians and surgeons or psychologists designated by the agency. The report of the
19 examiners shall be made available to the licentiate and may be received as direct
20 evidence in proceedings conducted pursuant to Section 822.

21 6. Section 821 of the Code provides that the licentiate's failure to comply with an order
22 issued under section 820 shall constitute grounds for the suspension or revocation of the
23 licentiate's certificate or license.

24 **COST RECOVERY**

25 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
26 administrative law judge to direct a licentiate found to have committed a violation or violations of
27 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
28 enforcement of the case.

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1 **FACTUAL ALLEGATIONS**

2 8. On or about December 2, 2022, the Board issued an order (the Order) requiring
3 Respondent to submit to a mental and/or physical examination to determine whether she is
4 impaired due to mental and/or physical illness affecting her fitness to practice.

5 9. On or about December 2, 2022, Respondent was served by Certified and First Class
6 Mail copies of the Order at her address of record, which pursuant to California Code of
7 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
8 Respondent's address of record was and is: P.O. Box 10297, Newport Beach, California, 92658.

9 10. Paragraph 2 of the Order provides, "That the examination(s) of Respondent shall be
10 conducted at a time that is mutually convenient to Respondent and the examiner selected by the
11 Board, but in no case later than thirty (30) days after the service of this Order."

12 11. Respondent failed to contact the Board's appointed examiner to make arrangements
13 for the examination within the thirty days of service of the Order or by January 3, 2023.

14 12. Respondent contacted the examiner by telephone on February 14, 2023. The Board
15 agreed to extend the deadline for her compliance with the evaluation. The evaluation was
16 scheduled for March 14, 2023. Respondent failed to appear at the exam. When contacted by the
17 examiner's office, Respondent denied scheduling the appointment.

18 **CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Board Order)**

20 13. Respondent is subject to disciplinary action under Code section 821 in that she failed
21 to comply with the Board's Order, issued on December 2, 2022, requiring her to submit to a
22 mental and/or physical examination pursuant to Code section 820. The circumstances are
23 described in paragraphs 8 through 12 above, which are incorporated herein by reference.

24 **PRAYER**

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

27 1. Revoking or suspending Pharmacist License Number RPH 47420, issued to Azita
28 Arbab, aka Azita Arbab-Kalantari;

1 2. Ordering Azita Arbab to pay the Board of Pharmacy the reasonable costs of the
2 investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

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

5
6 DATED: 3/24/2023

Sodergren,
Anne@DCA

Digitally signed by Sodergren,
Anne@DCA
Date: 2023.03.24 20:36:23
-07'00'

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

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