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

11 Case No. 3421

12 In the Matter of the Accusation Against:
13 **SAYRE MEDICAL PHARMACY, INC.**
14124 Foothill Blvd.
Sylmar, CA 91342

A C C U S A T I O N

15 **Permit No. PHY 18263**

16 **and**

17 **GARY BRUCE AVNET, RPH**
17331 Labrador Street
Northridge, CA 91325

18 **Pharmacist License No. RPH 25684,**

19 Respondents.
20

21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about January 23, 1975, the Board of Pharmacy issued Permit Number
26 PHY 18263 to Sayre Medical Pharmacy, Inc. (Respondent Sayre). The permit was in full force
27 and effect at all times relevant to the charges brought herein and will expire on September 1,
28

1 2010, unless renewed. Gary Bruce Avnet, Pharmacist License Number RPH 25684, has been the
2 president of Respondent Pharmacy since July 16, 1984, and has been the Pharmacist-In-Charge
3 since July 16, 1984.

4 3. On or about August 4, 1970, the Board of Pharmacy issued Pharmacist License
5 Number RPH 25684 to Gary Bruce Avnet (Respondent Avnet). The Pharmacist License was in
6 full force and effect at all times relevant to the charges brought herein and will expire on January
7 31, 2011, unless renewed.

8 4. On or about November 6, 2001, the Board issued Wholesale Permit No. WLS 3993 to
9 Apex Medical Distributors, located at 28298 Constellation Road, Valencia, California 91355.
10 Wholesale Permit Number WLS 3993 expired on November 1, 2009 with Alexander Soliman
11 (EXC 16456) as the Designated Representative-in-Charge. Permit Number EXC 16456 expired
12 on December 1, 2009.

13 5. Cochran Wholesale Pharmaceuticals, Inc., located at 1304 South Broad Street, P.O.
14 Box 1170, Monroe, GA 30655, is not licensed by the Board, and was not licensed by the Board
15 at any time relevant herein. On October 15, 2001, the Georgia Secretary of State issued a
16 Wholesaler Permit to Cochran Wholesale Pharmaceuticals, Inc., which expired on June 30, 2009.

17 6. Drogueria Caballero Del Caribe, Inc., located at two locations: Calle 7 P20, Santa
18 Monica, Bayamon, Puerto Rico 00957 and P.O. Box 2839, Carolina Puerto Rico, is not licensed
19 by the Board, and was not licensed by the Board at any time relevant herein.

20 7. Drogueria De la Villa, located at Avenida De Diego, #17, Arecibo, Puerto Rico is not
21 licensed by the Board, and was not licensed by the Board at any time relevant herein.

22 8. E-tail Network, located at 1450 North Tustin Avenue, Ste. 202, Santa Ana, CA
23 92705 is not licensed by the Board, and was not licensed by the Board at any time relevant herein.
24 David Miller is the CEO of E-Tail Network.

25 9. Matrix Distributors, Inc. is not licensed by the Board, and was not licensed by the
26 Board at any time relevant herein. In February 2001, the New Jersey Department of Food and
27 Drug Safety issued a Wholesaler License Number 5002849 to Matrix Distributors, Inc. The
28 license will expire on January 31, 2010.

1 “(1) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices at wholesale
2 with a person or entity that is not licensed with the board as a wholesaler or pharmacy.

3 “....”

4 20. Section 4340 of the Code states, in pertinent part:

5 “(a) The board may institute any action or actions as may be provided by law and that, in its
6 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
7 conform to the standard and tests as to quality and strength, provided in the latest edition of the
8 United States Pharmacopoeia or the National Formulary, or that violate any provision of the
9 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
10 104 of the Health and Safety Code).

11 “....”

12 21. Health and Safety Code Section 111255 states, in pertinent part:

13 “Any drug or device is adulterated if it has been produced, prepared, packed, or held under
14 conditions whereby it may have been contaminated with filth, or whereby it may have been
15 rendered injurious to health.”

16 22. Health and Safety Code Section 111295 states, in pertinent part:

17 “It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug
18 or device that is adulterated.”

19 23. Health and Safety Code Section 111330 states:

20 “Any drug or device is misbranded if its labeling is false or misleading in any particular.”

21 24. Health and Safety Code Section 111440 states, in pertinent part:

22 “It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug
23 or device that is misbranded.”

24 25. California Code of Regulations, title 16, Section 1714 states, in pertinent part:

25 “....”

26 “(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly
27 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly
28

1 lighted. The pharmacy shall be equipped with a sink with hot and cold running water for
2 pharmaceutical purposes.

3 "...."

4 **COST RECOVERY**

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

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Respondent Sayre: Unprofessional Conduct - Purchasing Dangerous Drugs**
11 **from an Unlicensed Entity)**

12 27. Respondent Sayre Medical Pharmacy, Inc. is subject to disciplinary action under
13 section 4301, subdivision (j), and section 4169, subdivision (a)(1), for purchasing dangerous
14 drugs from either an unlicensed California non-resident wholesaler or an unlicensed California
15 wholesale broker. The circumstances are as follows:

16 28. Between December 4, 2007 and March 18, 2008, on 43 separate occasions,
17 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from David Miller of the
18 E-Tail Network, an unlicensed pharmaceutical broker on behalf of Apex Medical Distributor, as
19 follows:

20 a. on or about December 4, 2007, Respondent purchased dangerous drugs at a wholesale
21 cost of \$6,626.19 per Invoice Number 62;

22 b. on or about December 5, 2007, Respondent purchased dangerous drugs at a wholesale
23 cost of \$4,913.87 per Invoice Number 63;

24 c. on or about December 5, 2007, Respondent purchased dangerous drugs at a
25 wholesale cost of \$6,042.60 per Invoice Number 64;

26 c. on or about December 11, 2007, Respondent purchased dangerous drugs at a
27 wholesale cost of \$3,695.35 per Invoice Number 65;

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- 1 d. on or about December 11, 2007, Respondent purchased dangerous drugs at a
2 wholesale cost of \$3,740.51 per Invoice Number 66;
- 3 e. on or about December 18, 2007, Respondent purchased dangerous drugs at a
4 wholesale cost of \$9,051.39 per Invoice Number 68;
- 5 f. on or about December 18, 2007, Respondent purchased dangerous drugs at a
6 wholesale cost of \$14,011.28 per Invoice Number 69;
- 7 g. on or about December 18, 2007, Respondent purchased dangerous drugs at a
8 wholesale cost of \$1,630.63 per Invoice Number 70;
- 9 h. on or about December 18, 2007, Respondent purchased dangerous drugs at a
10 wholesale cost of \$10,265.81 per Invoice Number 71;
- 11 i. on or about December 18, 2007, Respondent purchased dangerous drugs at a
12 wholesale cost of \$2,290.82 per Invoice Number 72;
- 13 j. on or about December 19, 2007, Respondent purchased dangerous drugs at a
14 wholesale cost of \$6,152.95 per Invoice Number 73;
- 15 k. on or about December 20, 2007, Respondent purchased dangerous drugs at a
16 wholesale cost of \$6,996.66 per Invoice Number 74;
- 17 l. on or about December 24, 2007, Respondent purchased dangerous drugs at a
18 wholesale cost of \$3,299.46 per Invoice Number 75;
- 19 m. on or about December 24, 2007, Respondent purchased dangerous drugs at a
20 wholesale cost of \$1,664.01 per Invoice Number 78;
- 21 n. on or about December 24, 2007, Respondent purchased dangerous drugs at a
22 wholesale cost of \$407.72 per Invoice Number 79;
- 23 o. on or about December 24, 2007, Respondent purchased dangerous drugs at a
24 wholesale cost of \$26,730.95 per Invoice Number 81;
- 25 p. on or about December 27, 2007, Respondent purchased dangerous drugs at a
26 wholesale cost of \$9,798.00 per Invoice Number 77;
- 27 q. on or about December 27, 2007, Respondent purchased dangerous drugs at a
28 wholesale cost of \$2,443.09 per Invoice Number 80;

- 1 r. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$15,995.49 per Invoice Number 84;
- 3 s. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$2,228.18 per Invoice Number 85;
- 5 t. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$3,835.10 per Invoice Number 86;
- 7 u. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$4,532.97 per Invoice Number 87;
- 9 v. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$3,152.76 per Invoice Number 89;
- 11 w. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$5,962.57 per Invoice Number 91;
- 13 x. on or about January 9, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$26,577.96 per Invoice Number 90;
- 15 y. on or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$703.41 per Invoice Number 92;
- 17 z. on or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$7,824.38 per Invoice Number 93;
- 19 aa. on or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$1083.05 per Invoice Number 94;
- 21 bb. on or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$2,040.72 per Invoice Number 95;
- 23 cc. on or about January 22, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$1,053.82 per Invoice Number 96;
- 25 dd. on or about January 23, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$2,406.48 per Invoice Number 98;
- 27 ee. on or about January 24, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$4,004.81 per Invoice Number 99;

1 ff. on or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$3,861.96 per Invoice Number 103;

3 hh. on or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$1,939.53 per Invoice Number 104;

5 ii. on or about February 5, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$1,085.74 per Invoice Number 106;

7 jj. on or about February 7, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$4,880.49 per Invoice Number 107;

9 kk. on or about February 11, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$7,275.87 per Invoice Number 109;

11 ll. on or about February 12, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$877.89 per Invoice Number 108;

13 mm. on or about February 14, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$994.71 per Invoice Number 110;

15 nn. on or about February 21, 2008, Respondent purchased dangerous drugs at a
16 wholesale cost of \$1,302.90 per Invoice Number 112;

17 oo. on or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$7,777.02 per Invoice Number 114;

19 pp. on or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$479.97 per Invoice Number 115; and

21 qq. on or about March 18, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$6,292.25 per Invoice Number 117.

23 29. On or about April 2, 2008, Respondent Sayre Medical Pharmacy, Inc. purchased
24 dangerous drugs at a wholesale cost of \$570.79 from Cochran Wholesale Pharmaceuticals, an
25 unlicensed pharmaceutical wholesaler in Monroe, Georgia per Invoice Number 35671.

26 30. Between March 24, 2008 and July 22, 2008, on at least 16 separate occasions,
27 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Drogueria Caballero
28 Del Caribe, an unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:

- 1 a. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$204.28 per Invoice Number 1;
- 3 b. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$831.68 per Invoice Number 2;
- 5 c. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$1,445.26 per Invoice Number 3;
- 7 d. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$1,967.33 per Invoice Number 4;
- 9 e. on or about April 21, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$3,788.15 per Invoice Number 9;
- 11 f. on or about May 2, 2008, Respondent purchased dangerous drugs at a wholesale cost
12 of \$434.28 per Invoice Number 11;
- 13 g. on or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
14 of \$11,578.15 per Invoice Number 12;
- 15 h. on or about May 6, 2008, Respondent purchased dangerous drugs at a wholesale cost
16 of \$9,117.48 per Invoice Number 16;
- 17 i. on or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
18 of \$12,890.80 per Invoice Number 17;
- 19 j. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$1,077.26 per Invoice Number 18;
- 21 k. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$2,656.48 per Invoice Number 19;
- 23 l. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$19,813.13 per Invoice Number 23;
- 25 m. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$8,546.43 per Invoice Number 24;
- 27 n. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$6,423.04 per Invoice Number 25;

- 1 o. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$1,662.61 per Invoice Number 26; and
- 3 p. on or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale cost
4 of \$11,118.92 per Invoice Number 48.
- 5 31. Between March 24, 2008 and July 29, 2008, on at least 33 separate occasions,
6 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Drogueria de La
7 Villa, an unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:
- 8 a. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
9 cost of \$450.00 per Invoice Number 641215;
- 10 b. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
11 cost of \$1,716.00 per Invoice Number 641216;
- 12 c. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
13 cost of \$513.00 per Invoice Number 641221;
- 14 d. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
15 cost of \$9,843.66 per Invoice Number 641461;
- 16 e. on or about March 25, 2008, Respondent purchased dangerous drugs at a wholesale
17 cost of \$253.82 per Invoice Number 641753;
- 18 f. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
19 cost of \$386.67 per Invoice Number 642034;
- 20 g. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
21 cost of \$508.80 per Invoice Number 642074;
- 22 h. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
23 cost of \$1,472.40 per Invoice Number 642077;
- 24 i. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
25 cost of \$666.50 per Invoice Number 642121;
- 26 j. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
27 cost of \$1,039.04 per Invoice Number 642227;
- 28 ///

1 o. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$1,662.61 per Invoice Number 26; and

3 p. on or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale cost
4 of \$11,118.92 per Invoice Number 48.

5 31. Between March 24, 2008 and July 29, 2008, on at least 33 separate occasions,
6 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Drogueria de La
7 Villa, an unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:

8 a. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
9 cost of \$450.00 per Invoice Number 641215;

10 b. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
11 cost of \$1,716.00 per Invoice Number 641216;

12 c. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
13 cost of \$513.00 per Invoice Number 641221;

14 d. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
15 cost of \$9,843.66 per Invoice Number 641461;

16 e. on or about March 25, 2008, Respondent purchased dangerous drugs at a wholesale
17 cost of \$253.82 per Invoice Number 641753;

18 f. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
19 cost of \$386.67 per Invoice Number 642034;

20 g. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
21 cost of \$508.80 per Invoice Number 642074;

22 h. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
23 cost of \$1,472.40 per Invoice Number 642077;

24 i. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
25 cost of \$666.50 per Invoice Number 642121;

26 j. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
27 cost of \$1,039.04 per Invoice Number 642227;

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- 1 k. on or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$32,259.46 per Invoice Number 642456;
- 3 l. on or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$1,837.36 per Invoice Number 642510;
- 5 m. on or about March 28, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$3,154.72 per Invoice Number 642691;
- 7 n. on or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
8 of \$16,881.81 per Invoice Number 651255;
- 9 o. on or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
10 of \$19,745.02 per Invoice Number 652470;
- 11 p. on or about May 13, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$9,222.18 per Invoice Number 653085;
- 13 q. on or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$1,221.12 per Invoice Number 653395;
- 15 r. on or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$301.80 per Invoice Number 653408;
- 17 s. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$12,108.27 per Invoice Number 654095;
- 19 t. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$378.00 per Invoice Number 654096;
- 21 u. on or about May 19, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$764.92 per Invoice Number 654456;
- 23 v. on or about May 20, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$7,620.73 per Invoice Number 654767;
- 25 w. on or about May 22, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$28,826.39 per Invoice Number 655380;
- 27 x. on or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$2,627.04 per Invoice Number 655636;

1 y. on or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$70.00 per Invoice Number 656637;

3 z. on or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$8,251.93 per Invoice Number 656021;

5 aa. on or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$11,826.24 per Invoice Number 656052;

7 bb. on or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$19,990.87 per Invoice Number 656088;

9 cc. on or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$570.55 per Invoice Number 656156;

11 dd. on or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$4,080.80 per Invoice Number 656470;

13 ee. on or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale cost
14 of \$10,944.48 per Invoice Number 668062; and

15 ff. on or about July 29, 2008, Respondent purchased dangerous drugs at a wholesale cost
16 of \$14,527.82 per Invoice Number 669639.

17 32. Between January 23, 2006 and September 15, 2006, on at least 11 separate occasions,
18 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Jeannette Couch of
19 the E-Tail Network, an unlicensed broker on behalf of ESP Services as follows:

20 a. on or about January 23, 2006, Respondent purchased dangerous drugs at a wholesale
21 cost of \$6,766.80 per Invoice Number 12306;

22 b. on or about February 12, 2006, Respondent purchased dangerous drugs at a wholesale
23 cost of \$3,908.88 per Invoice Number 12706;

24 c. on or about March 9, 2006, Respondent purchased dangerous drugs at a wholesale
25 cost of \$6,334.60 per Invoice Number 30906;

26 d. on or about May 4, 2006, Respondent purchased dangerous drugs at a wholesale cost
27 of \$30,655.80 per Invoice Number 1;

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- 1 e. on or about May 10, 2006, Respondent purchased dangerous drugs at a wholesale
- 2 cost of \$56,685.93 per Invoice Number 2;
- 3 f. on or about May 17, 2006, Respondent purchased dangerous drugs at a wholesale
- 4 cost of \$26,999.47 per Invoice Number 3;
- 5 g. on or about August 21, 2006, Respondent purchased dangerous drugs at a wholesale
- 6 cost of \$881.70 per Invoice Number 23;
- 7 h. on or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
- 8 cost of \$13,458.07 per Invoice Number 24-A;
- 9 i. on or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
- 10 cost of \$14,051.26 per Invoice Number 25-A;
- 11 j. on or about September 12, 2006, Respondent purchased dangerous drugs at a
- 12 wholesale cost of \$3,044.87 per Invoice Number 27; and
- 13 k. on or about September 15, 2006, Respondent purchased dangerous drugs at a
- 14 wholesale cost of \$1,094.16 per Invoice Number 30.

15 33. Between January 27, 2006 and December 12, 2006, on at least 4 separate occasions,
16 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Matrix Distributors,
17 an unlicensed wholesaler in East Brunswick, New Jersey as follows:

- 18 a. on or about January 27, 2006, Respondent purchased dangerous drugs at a wholesale
- 19 cost of \$1,752.00 per Invoice Number 71041;
- 20 b. on or about October 30, 2006, Respondent purchased dangerous drugs at a wholesale
- 21 cost of \$2,600.00 per Invoice Number 84279;
- 22 c. on or about December 13, 2007, Respondent purchased dangerous drugs at a
- 23 wholesale cost of \$152.49 per Invoice Number 104302; and
- 24 d. on or about December 19, 2007, Respondent purchased dangerous drugs at a
- 25 wholesale cost of \$1,387.20 per Invoice Number 104588.

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1 34. Between January 25, 2006 and March 30, 2007, on at least 31 separate occasions,
2 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from David Miller and
3 Jeannette Couch for the E-Tail Network, an unlicensed broker on behalf of Med X, as follows:
4 a. on or about January 25, 2006, Respondent purchased dangerous drugs at a wholesale
5 cost of \$12,590.22 per Invoice Number 667;
6 b. on or about May 26, 2006, Respondent purchased dangerous drugs at a wholesale
7 cost of \$1,483.83 per Invoice Number 1;
8 c. on or about May 31, 2006, Respondent purchased dangerous drugs at a wholesale
9 cost of \$46,673.62 per Invoice Number 2;
10 d. on or about September 5, 2006, Respondent purchased dangerous drugs at a
11 wholesale cost of \$2,480.04 per Invoice Number 48;
12 e. on or about September 7, 2006, Respondent purchased dangerous drugs at a
13 wholesale cost of \$7,283.06 per Invoice Number 51;
14 f. on or about September 12, 2006, Respondent purchased dangerous drugs at a
15 wholesale cost of \$2,209.40 per Invoice Number 52;
16 g. on or about September 12, 2006, Respondent purchased dangerous drugs at a
17 wholesale cost of \$5,442.97 per Invoice Number 53;
18 h. on or about September 18, 2006, Respondent purchased dangerous drugs at a
19 wholesale cost of \$346.89 per Invoice Number 55;
20 i. on or about September 19, 2006, Respondent purchased dangerous drugs at a
21 wholesale cost of \$1,298.61 per Invoice Number 56;
22 j. on or about September 19, 2006, Respondent purchased dangerous drugs at a
23 wholesale cost of \$221.52 per Invoice Number 57;
24 k. on or about September 19, 2006, Respondent purchased dangerous drugs at a
25 wholesale cost of \$155.48 per Invoice Number 58;
26 l. on or about September 19, 2006, Respondent purchased dangerous drugs at a
27 wholesale cost of \$756.18 per Invoice Number 59;
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- 1 m. on or about September 27, 2006, Respondent purchased dangerous drugs at a
2 wholesale cost of \$4,740.64 per Invoice Number 61;
- 3 n. on or about November 13, 2006, Respondent purchased dangerous drugs at a
4 wholesale cost of \$981.48 per Invoice Number 87;
- 5 o. on or about December 28, 2006, Respondent purchased dangerous drugs at a
6 wholesale cost of \$23,426.69 per Invoice Number 136;
- 7 p. on or about December 29, 2006, Respondent purchased dangerous drugs at a
8 wholesale cost of \$3,293.31 per Invoice Number 137;
- 9 q. on or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
10 cost of \$10,332.62 per Invoice Number 139;
- 11 r. on or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
12 cost of \$11,358.03 per Invoice Number 140;
- 13 s. on or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
14 cost of \$645.63 per Invoice Number 141;
- 15 t. on or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
16 cost of \$2,356.25 per Invoice Number 145;
- 17 u. on or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
18 cost of \$83,611.51 per Invoice Number 146;
- 19 v. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
20 cost of \$1,465.50 per Invoice Number 148;
- 21 w. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
22 cost of \$967.26 per Invoice Number 149;
- 23 x. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
24 cost of \$2,401.80 per Invoice Number 150;
- 25 y. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
26 cost of \$5,820.62 per Invoice Number 151;
- 27 z. on or about January 9, 2007, Respondent purchased dangerous drugs at a wholesale
28 cost of \$5,147.33 per Invoice Number 153-A;

1 aa. on or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
2 cost of \$1,749.87 per Invoice Number 154;

3 bb. on or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
4 cost of \$5,385.84 per Invoice Number 155;

5 cc. on or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
6 cost of \$9,798.42 per Invoice Number 235;

7 dd. on or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
8 cost of \$9,658.83 per Invoice Number 238; and

9 ee. on or about March 30, 2007, Respondent purchased dangerous drugs at a wholesale
10 cost of \$2,464.88 per Invoice Number 243.

11 35. On January 5, 2006, Respondent Sayre Medical Pharmacy, Inc. purchased dangerous
12 drugs from Metro Medical, an unlicensed wholesaler in Stamford, Connecticut per Invoice
13 Number 520132.

14 36. On July 21, 2006, Respondent Sayre Medical Pharmacy, Inc. purchased dangerous
15 drugs from Minnesota Independent Corp (MIC), an unlicensed wholesaler in Mendota Heights,
16 Minnesota per Invoice Number 300.

17 37. Between December 7, 2005 and December 13, 2005, on at least 5 separate occasions,
18 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Wholesale Drug
19 Corporation, an wholesaler, in Portland, Oregon, as follows:

20 a. on or about December 7, 2005, Respondent purchased dangerous drugs at a wholesale
21 cost of \$35,114.87 per Invoice Number 540;

22 b. on or about December 8, 2005, Respondent purchased dangerous drugs at a wholesale
23 cost of \$11,320.72 per Invoice Number 545;

24 c. on or about December 8, 2005, Respondent purchased dangerous drugs at a wholesale
25 cost of \$6,180.76 per Invoice Number 548;

26 d. on or about December 9, 2005, Respondent purchased dangerous drugs at a wholesale
27 cost of \$15,873.30 per Invoice Number 553; and

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1 e. on or about December 13, 2005, Respondent purchased dangerous drugs at a
2 wholesale cost of \$6,019.88 per Invoice Number 557.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Respondent Sayer: Unprofessional Conduct – Selling Misbranded Prescription Drugs)**

5 38. Respondent Sayre Medical Pharmacy, Inc. is subject to disciplinary action under
6 section 4301, subdivision (j), in that Respondent held a misbranded drug for sale in violation of
7 Health and Safety Code section 111440. The circumstances are as follows:

8 39. On or about July 31, 2008, during an inspection of Respondent's facilities, the
9 Board's investigators discovered bulk containers with repackaged 28 size units of Cephalexin
10 500mg labeled repackaged by Rebel Distributions per Physician Partners with Rebel NDC
11 Number 21895-317-28, Lot Number RL10500701 with expiration date of December 2008.
12 Respondent repackaged that item into bulk containers with the NDC Number 63304-0657-05
13 with the Lot Number 179356, expiration date August 2009.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Respondent Sayer: Unprofessional Conduct – Unclean Pharmacy)**

16 40. Respondent Sayre Medical Pharmacy, Inc. is subject to disciplinary action under
17 section 4301, subdivision (o), in that Respondent maintained a dirty pharmacy in violation of
18 California Code of Regulations, title 16, section 1714. The circumstances are as follows:

19 41. On or about July 31, 2008, Respondent stored dangerous drugs on the floor and walls
20 of the pharmacy restroom.

21 42. On or about August 21, 2008, Respondent stored dangerous drugs in the pharmacy
22 restroom.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Respondent Avnet: Unprofessional Conduct - Purchasing Dangerous Drugs from an**
3 **Unlicensed Entity)**

4 43. Respondent Gary Bruce Avnet is subject to disciplinary action under section 4301,
5 subdivision (j), and section 4169, subdivision (a)(1), as the Pharmacist-in-Charge, for Respondent
6 Sayre Medical, Inc. purchasing dangerous drugs from either an unlicensed California non-resident
7 wholesaler or an unlicensed California wholesale broker. The circumstances are as follows:

8 44. Between December 4, 2007 and March 18, 2008, on 43 separate occasions,
9 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from David Miller of the
10 E-Tail Network, an unlicensed pharmaceutical broker on behalf of Apex Medical Distributor, as
11 follows:

12 a. on or about December 4, 2007, Respondent purchased dangerous drugs at a wholesale
13 cost of \$6,626.19 per Invoice Number 62;

14 b. on or about December 5, 2007, Respondent purchased dangerous drugs at a wholesale
15 cost of \$4,913.87 per Invoice Number 63;

16 c. on or about December 5, 2007, Respondent purchased dangerous drugs at a
17 wholesale cost of \$6,042.60 per Invoice Number 64;

18 c. on or about December 11, 2007, Respondent purchased dangerous drugs at a
19 wholesale cost of \$3,695.35 per Invoice Number 65;

20 d. on or about December 11, 2007, Respondent purchased dangerous drugs at a
21 wholesale cost of \$3,740.51 per Invoice Number 66;

22 e. on or about December 18, 2007, Respondent purchased dangerous drugs at a
23 wholesale cost of \$9,051.39 per Invoice Number 68;

24 f. on or about December 18, 2007, Respondent purchased dangerous drugs at a
25 wholesale cost of \$14,011.28 per Invoice Number 69;

26 g. on or about December 18, 2007, Respondent purchased dangerous drugs at a
27 wholesale cost of \$1,630.63 per Invoice Number 70;

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1 h. on or about December 18, 2007, Respondent purchased dangerous drugs at a
2 wholesale cost of \$10,265.81 per Invoice Number 71;

3 i. on or about December 18, 2007, Respondent purchased dangerous drugs at a
4 wholesale cost of \$2,290.82 per Invoice Number 72;

5 j. on or about December 19, 2007, Respondent purchased dangerous drugs at a
6 wholesale cost of \$6,152.95 per Invoice Number 73;

7 k. on or about December 20, 2007, Respondent purchased dangerous drugs at a
8 wholesale cost of \$6,996.66 per Invoice Number 74;

9 l. on or about December 24, 2007, Respondent purchased dangerous drugs at a
10 wholesale cost of \$3,299.46 per Invoice Number 75;

11 m. on or about December 24, 2007, Respondent purchased dangerous drugs at a
12 wholesale cost of \$1,664.01 per Invoice Number 78;

13 n. on or about December 24, 2007, Respondent purchased dangerous drugs at a
14 wholesale cost of \$407.72 per Invoice Number 79;

15 o. on or about December 24, 2007, Respondent purchased dangerous drugs at a
16 wholesale cost of \$26,730.95 per Invoice Number 81;

17 p. on or about December 27, 2007, Respondent purchased dangerous drugs at a
18 wholesale cost of \$9,798.00 per Invoice Number 77;

19 q. on or about December 27, 2007, Respondent purchased dangerous drugs at a
20 wholesale cost of \$2,443.09 per Invoice Number 80;

21 r. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$15,995.49 per Invoice Number 84;

23 s. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$2,228.18 per Invoice Number 85;

25 t. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$3,835.10 per Invoice Number 86;

27 u. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$4,532.97 per Invoice Number 87;

- 1 v. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$3,152.76 per Invoice Number 89;
- 3 w. on or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$5,962.57 per Invoice Number 91;
- 5 x. on or about January 9, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$26,577.96 per Invoice Number 90;
- 7 y. on or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$703.41 per Invoice Number 92;
- 9 z. on or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$7,824.38 per Invoice Number 93;
- 11 aa. on or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1083.05 per Invoice Number 94;
- 13 bb. on or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$2,040.72 per Invoice Number 95;
- 15 cc. on or about January 22, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$1,053.82 per Invoice Number 96;
- 17 dd. on or about January 23, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$2,406.48 per Invoice Number 98;
- 19 ee. on or about January 24, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$4,004.81 per Invoice Number 99;
- 21 ff. on or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$3,861.96 per Invoice Number 103;
- 23 hh. on or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$1,939.53 per Invoice Number 104;
- 25 ii. on or about February 5, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$1,085.74 per Invoice Number 106;
- 27 jj. on or about February 7, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$4,880.49 per Invoice Number 107;

1 kk. on or about February 11, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$7,275.87 per Invoice Number 109;

3 ll. on or about February 12, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$877.89 per Invoice Number 108;

5 mm. on or about February 14, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$994.71 per Invoice Number 110;

7 nn. on or about February 21, 2008, Respondent purchased dangerous drugs at a
8 wholesale cost of \$1,302.90 per Invoice Number 112;

9 oo. on or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$7,777.02 per Invoice Number 114;

11 pp. on or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$479.97 per Invoice Number 115; and

13 qq. on or about March 18, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$6,292.25 per Invoice Number 117.

15 45. On or about April 2, 2008, Respondent Sayre Medical Pharmacy, Inc. purchased
16 dangerous drugs at a wholesale cost of \$570.79 from Cochran Wholesale Pharmaceuticals, an
17 unlicensed pharmaceutical wholesaler in Monroe, Georgia per Invoice Number 35671.

18 46. Between March 24, 2008 and July 22, 2008, on at least 16 separate occasions,
19 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Drogueria Caballero
20 Del Caribe, an unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:

21 a. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$204.28 per Invoice Number 1;

23 b. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$831.68 per Invoice Number 2;

25 c. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$1,445.26 per Invoice Number 3;

27 d. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$1,967.33 per Invoice Number 4;

- 1 e. on or about April 21, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$3,788.15 per Invoice Number 9;
- 3 f. on or about May 2, 2008, Respondent purchased dangerous drugs at a wholesale cost
4 of \$434.28 per Invoice Number 11;
- 5 g. on or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
6 of \$11,578.15 per Invoice Number 12;
- 7 h. on or about May 6, 2008, Respondent purchased dangerous drugs at a wholesale cost
8 of \$9,117.48 per Invoice Number 16;
- 9 i. on or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
10 of \$12,890.80 per Invoice Number 17;
- 11 j. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1,077.26 per Invoice Number 18;
- 13 k. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$2,656.48 per Invoice Number 19;
- 15 l. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$19,813.13 per Invoice Number 23;
- 17 m. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$8,546.43 per Invoice Number 24;
- 19 n. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$6,423.04 per Invoice Number 25;
- 21 o. on or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$1,662.61 per Invoice Number 26; and
- 23 p. on or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale cost
24 of \$11,118.92 per Invoice Number 48.

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1 47. Between March 24, 2008 and July 29, 2008, on at least 33 separate occasions,
2 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Drogueria de La
3 Villa, an unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:
4 a. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
5 cost of \$450.00 per Invoice Number 641215;
6 b. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
7 cost of \$1,716.00 per Invoice Number 641216;
8 c. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
9 cost of \$513.00 per Invoice Number 641221;
10 d. on or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
11 cost of \$9,843.66 per Invoice Number 641461;
12 e. on or about March 25, 2008, Respondent purchased dangerous drugs at a wholesale
13 cost of \$253.82 per Invoice Number 641753;
14 f. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
15 cost of \$386.67 per Invoice Number 642034;
16 g. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
17 cost of \$508.80 per Invoice Number 642074;
18 h. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
19 cost of \$1,472.40 per Invoice Number 642077;
20 i. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
21 cost of \$666.50 per Invoice Number 642121;
22 j. on or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
23 cost of \$1,039.04 per Invoice Number 642227;
24 k. on or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
25 cost of \$32,259.46 per Invoice Number 642456;
26 l. on or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
27 cost of \$1,837.36 per Invoice Number 642510;
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- 1 m. on or about March 28, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$3,154.72 per Invoice Number 642691;
- 3 n. on or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
4 of \$16,881.81 per Invoice Number 651255;
- 5 o. on or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
6 of \$19,745.02 per Invoice Number 652470;
- 7 p. on or about May 13, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$9,222.18 per Invoice Number 653085;
- 9 q. on or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$1,221.12 per Invoice Number 653395;
- 11 r. on or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$301.80 per Invoice Number 653408;
- 13 s. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$12,108.27 per Invoice Number 654095;
- 15 t. on or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$378.00 per Invoice Number 654096;
- 17 u. on or about May 19, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$764.92 per Invoice Number 654456;
- 19 v. on or about May 20, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$7,620.73 per Invoice Number 654767;
- 21 w. on or about May 22, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$28,826.39 per Invoice Number 655380;
- 23 x. on or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$2,627.04 per Invoice Number 655636;
- 25 y. on or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$70.00 per Invoice Number 656637;
- 27 z. on or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$8,251.93 per Invoice Number 656021;

- 1 aa. on or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$11,826.24 per Invoice Number 656052;
- 3 bb. on or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$19,990.87 per Invoice Number 656088;
- 5 cc. on or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$570.55 per Invoice Number 656156;
- 7 dd. on or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$4,080.80 per Invoice Number 656470;
- 9 ee. on or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale cost
10 of \$10,944.48 per Invoice Number 668062; and
- 11 ff. on or about July 29, 2008, Respondent purchased dangerous drugs at a wholesale cost
12 of \$14,527.82 per Invoice Number 669639.
- 13 48. Between January 23, 2006 and September 15, 2006, on at least 11 separate occasions,
14 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Jeannette Couch of
15 the E-Tail Network, an unlicensed broker on behalf of ESP Services as follows:
- 16 a. on or about January 23, 2006, Respondent purchased dangerous drugs at a wholesale
17 cost of \$6,766.80 per Invoice Number 12306;
- 18 b. on or about February 12, 2006, Respondent purchased dangerous drugs at a wholesale
19 cost of \$3,908.88 per Invoice Number 12706;
- 20 c. on or about March 9, 2006, Respondent purchased dangerous drugs at a wholesale
21 cost of \$6,334.60 per Invoice Number 30906;
- 22 d. on or about May 4, 2006, Respondent purchased dangerous drugs at a wholesale cost
23 of \$30,655.80 per Invoice Number 1;
- 24 e. on or about May 10, 2006, Respondent purchased dangerous drugs at a wholesale
25 cost of \$56,685.93 per Invoice Number 2;
- 26 f. on or about May 17, 2006, Respondent purchased dangerous drugs at a wholesale
27 cost of \$26,999.47 per Invoice Number 3;
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- 1 g. on or about August 21, 2006, Respondent purchased dangerous drugs at a wholesale
2 cost of \$881.70 per Invoice Number 23;
- 3 h. on or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
4 cost of \$13,458.07 per Invoice Number 24-A;
- 5 i. on or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
6 cost of \$14,051.26 per Invoice Number 25-A;
- 7 j. on or about September 12, 2006, Respondent purchased dangerous drugs at a
8 wholesale cost of \$3,044.87 per Invoice Number 27; and
- 9 k. on or about September 15, 2006, Respondent purchased dangerous drugs at a
10 wholesale cost of \$1,094.16 per Invoice Number 30.
- 11 49. Between January 27, 2006 and December 12, 2006, on at least 4 separate occasions,
12 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Matrix Distributors,
13 an unlicensed wholesaler in East Brunswick, New Jersey as follows:
- 14 a. on or about January 27, 2006, Respondent purchased dangerous drugs at a wholesale
15 cost of \$1,752.00 per Invoice Number 71041;
- 16 b. on or about October 30, 2006, Respondent purchased dangerous drugs at a wholesale
17 cost of \$2,600.00 per Invoice Number 84279;
- 18 c. on or about December 13, 2007, Respondent purchased dangerous drugs at a
19 wholesale cost of \$152.49 per Invoice Number 104302; and
- 20 d. on or about December 19, 2007, Respondent purchased dangerous drugs at a
21 wholesale cost of \$1,387.20 per Invoice Number 104588.
- 22 50. Between January 25, 2006 and March 30, 2007, on at least 31 separate occasions,
23 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from David Miller and
24 Jeannette Couch for the E-Tail Network, an unlicensed broker on behalf of Med X, as follows:
- 25 a. on or about January 25, 2006, Respondent purchased dangerous drugs at a wholesale
26 cost of \$12,590.22 per Invoice Number 667;
- 27 b. on or about May 26, 2006, Respondent purchased dangerous drugs at a wholesale
28 cost of \$1,483.83 per Invoice Number 1;

- 1 c. on or about May 31, 2006, Respondent purchased dangerous drugs at a wholesale
2 cost of \$46,673.62 per Invoice Number 2;
- 3 d. on or about September 5, 2006, Respondent purchased dangerous drugs at a
4 wholesale cost of \$2,480.04 per Invoice Number 48;
- 5 e. on or about September 7, 2006, Respondent purchased dangerous drugs at a
6 wholesale cost of \$7,283.06 per Invoice Number 51;
- 7 f. on or about September 12, 2006, Respondent purchased dangerous drugs at a
8 wholesale cost of \$2,209.40 per Invoice Number 52;
- 9 g. on or about September 12, 2006, Respondent purchased dangerous drugs at a
10 wholesale cost of \$5,442.97 per Invoice Number 53;
- 11 h. on or about September 18, 2006, Respondent purchased dangerous drugs at a
12 wholesale cost of \$346.89 per Invoice Number 55;
- 13 i. on or about September 19, 2006, Respondent purchased dangerous drugs at a
14 wholesale cost of \$1,298.61 per Invoice Number 56;
- 15 j. on or about September 19, 2006, Respondent purchased dangerous drugs at a
16 wholesale cost of \$221.52 per Invoice Number 57;
- 17 k. on or about September 19, 2006, Respondent purchased dangerous drugs at a
18 wholesale cost of \$155.48 per Invoice Number 58;
- 19 l. on or about September 19, 2006, Respondent purchased dangerous drugs at a
20 wholesale cost of \$756.18 per Invoice Number 59;
- 21 m. on or about September 27, 2006, Respondent purchased dangerous drugs at a
22 wholesale cost of \$4,740.64 per Invoice Number 61;
- 23 n. on or about November 13, 2006, Respondent purchased dangerous drugs at a
24 wholesale cost of \$981.48 per Invoice Number 87;
- 25 o. on or about December 28, 2006, Respondent purchased dangerous drugs at a
26 wholesale cost of \$23,426.69 per Invoice Number 136;
- 27 p. on or about December 29, 2006, Respondent purchased dangerous drugs at a
28 wholesale cost of \$3,293.31 per Invoice Number 137;

- 1 q. on or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
2 cost of \$10,332.62 per Invoice Number 139;
- 3 r. on or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
4 cost of \$11,358.03 per Invoice Number 140;
- 5 s. on or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
6 cost of \$645.63 per Invoice Number 141;
- 7 t. on or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
8 cost of \$2,356.25 per Invoice Number 145;
- 9 u. on or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
10 cost of \$83,611.51 per Invoice Number 146;
- 11 v. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1,465.50 per Invoice Number 148;
- 13 w. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
14 cost of \$967.26 per Invoice Number 149;
- 15 x. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
16 cost of \$2,401.80 per Invoice Number 150;
- 17 y. on or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
18 cost of \$5,820.62 per Invoice Number 151;
- 19 z. on or about January 9, 2007, Respondent purchased dangerous drugs at a wholesale
20 cost of \$5,147.33 per Invoice Number 153-A;
- 21 aa. on or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
22 cost of \$1,749.87 per Invoice Number 154;
- 23 bb. on or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
24 cost of \$5,385.84 per Invoice Number 155;
- 25 cc. on or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
26 cost of \$9,798.42 per Invoice Number 235;
- 27 dd. on or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
28 cost of \$9,658.83 per Invoice Number 238; and

1 ee. on or about March 30, 2007, Respondent purchased dangerous drugs at a wholesale
2 cost of \$2,464.88 per Invoice Number 243.

3 51. On January 5, 2006, Respondent Sayre Medical Pharmacy, Inc. purchased dangerous
4 drugs from Metro Medical, an unlicensed wholesaler in Stamford, Connecticut per Invoice
5 Number 520132.

6 52. On July 21, 2006, Respondent Sayre Medical Pharmacy, Inc. purchased dangerous
7 drugs from Minnesota Independent Corp (MIC), an unlicensed wholesaler in Mendota Heights,
8 Minnesota per Invoice Number 300.

9 53. Between December 7, 2005 and December 13, 2005, on at least 5 separate occasions,
10 Respondent Sayre Medical Pharmacy, Inc. purchased dangerous drugs from Wholesale Drug
11 Corporation, an wholesaler, in Portland, Oregon, as follows:

12 a. on or about December 7, 2005, Respondent purchased dangerous drugs at a wholesale
13 cost of \$35,114.87 per Invoice Number 540;

14 b. on or about December 8, 2005, Respondent purchased dangerous drugs at a wholesale
15 cost of \$11,320.72 per Invoice Number 545;

16 c. on or about December 8, 2005, Respondent purchased dangerous drugs at a wholesale
17 cost of \$6,180.76 per Invoice Number 548;

18 d. on or about December 9, 2005, Respondent purchased dangerous drugs at a wholesale
19 cost of \$15,873.30 per Invoice Number 553; and

20 e. on or about December 13, 2005, Respondent purchased dangerous drugs at a
21 wholesale cost of \$6,019.88 per Invoice Number 557.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Respondent Avnet: Unprofessional Conduct – Selling Misbranded Prescription Drugs)**

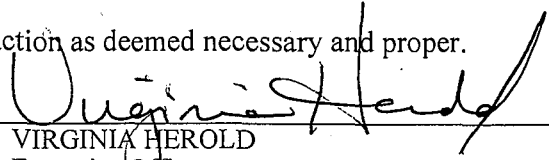
24 54. Respondent Avnet is subject to disciplinary action under section 4301, subdivision
25 (j), as Pharmacist-in-Charge, in that Respondent Sayre Medical Pharmacy, Inc. held a misbranded
26 drug for sale in violation of Health and Safety Code section 111440. The circumstances are as
27 follows:

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

DATED: 2/11/10



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

SD2009702664
80420791.doc