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

In the Matter of the Accusation Against**:** **DUBIN MEDICAL, INC.** **4655 Cass Street, #104** **San Diego, CA 92109** **Wholesale Permit No. WLS 6797** **and** **RAUL J. BARAJAS** **970 Turquoise Street** **San Diego, CA 92109** **Designative Representative License No. EXC 18131** Respondents.	Case No. 4577 **FIRST AMENDED ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about November 13, 2002, the Board of Pharmacy issued Wholesale Permit Number WLS 4212 to Dubin Medical, Inc., doing business as Dubin Medical, Inc. (Respondent Dubin). On or about September 11, 2015, Respondent Dubin moved addresses to 4655 Cass

Street, #104, San Diego, CA 92109, and subsequently cancelled Wholesale Permit Number WLS 4212. On or about September 11, 2015, the Board issued Wholesale Permit Number 6797 to Respondent Dubin at their new location. The Wholesale Permit will expire on September 1, 2016, unless renewed.

3. On or about June 1, 2005, the Board of Pharmacy issued Designative Representative License Number EXC 18131 to Raul J. Barajas (Respondents Barajas). The Designative Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 1, 2016, unless renewed.

JURISDICTION

4. This First Amended Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Codes unless otherwise indicated.

5. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

6. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

7. 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.

STATUTORY PROVISIONS

8. Section 4022 of the Code states:

> Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
>
> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.

(b) Any device that bears the statement: "Caution: federal law restricts this 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.

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

9. Section 4022.5 of the Code states:

(a) "Designated representative" means an individual to whom a license has been granted pursuant to Section 4053. A pharmacist fulfilling the duties of Section 4053 shall not be required to obtain a license as a designated representative.

(b) "Designated representative-in-charge" means a designated representative or a pharmacist proposed by a wholesaler or veterinary food-animal drug retailer and approved by the board as the supervisor or manager responsible for ensuring the wholesaler's or veterinary food-animal drug retailer's compliance with all state and federal laws and regulations pertaining to practice in the applicable license category.

10. Section 4043 of the Code, in pertinent part, defines "wholesaler" to mean and include "a person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022."

11. Section 4053 of the Code states in part:

(a) Notwithstanding Section 4051, the board may issue a license as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer. The designated representative shall protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

. . . .

12. Section 4059.5, subdivision (a) of the Code states:

Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the licensed premises and signed for and received by a pharmacist. Where a licensee is permitted to operate through a designated representative, the designated representative shall sign for and receive the delivery.

13. Section 4126.5 of the Code states:

(a) A pharmacy may furnish dangerous drugs only to the following:

(1) A wholesaler owned or under common control by the wholesaler from whom the dangerous drug was acquired.

(2) The pharmaceutical manufacturer from whom the dangerous drug was acquired.

(3) A licensed wholesaler acting as a reverse distributor.

(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized by law.

(6) A health care provider that is not a pharmacy but that is authorized to purchase dangerous drugs.

(7) To another pharmacy under common control.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or persons who committed the violation to a fine not to exceed the amount specified in Section 125.9 for each occurrence pursuant to a citation issued by the board.

(c) Amounts due from any person under this section on or after January 1, 2005, shall be offset as provided under Section 12419.5 of the Government Code. Amounts received by the board under this section shall be deposited into the Pharmacy Board Contingent Fund.

(d) For purposes of this section, "common control" means the power to direct or cause the direction of the management and policies of another person whether by ownership, by voting rights, by contract, or by other means.

14. Section 4160 of the Code provides, in pertinent part, that a wholesaler license shall be required for a person or entity to act as a wholesaler, that every wholesaler shall be supervised or managed by a Designated Representative in Charge, and that the Designated Representative in Charge shall be responsible for the wholesaler's compliance with state and federal laws.

15. Section 4163 of the Code states:

(a) A manufacturer, wholesaler, repackager, or pharmacy may not furnish a dangerous drug or dangerous device to an unauthorized person.

(b) Dangerous drugs or dangerous devices shall be acquired from a person authorized by law to possess or furnish dangerous drugs or dangerous devices. If the person acquiring the dangerous drugs or dangerous devices is a wholesaler, the

obligation of the wholesaler shall be limited to obtaining confirmation of licensure of those sources from whom it has not previously acquired dangerous drugs or dangerous devices.

16. Section 4301 of the Code states in pertinent part:

> The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
>
> . . . .
>
> (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.
>
> . . . .

COST RECOVERY

17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

18. Since August 20, 2007, Respondent Barajas has been the Designated Representative In Charge (DRIC) of Respondent Dubin.

19. For a period of time that included but was not necessarily limited to dates on and/or between September 4, 2009 and June 27, 2012, Respondents were engaged in a business practice that involved the purchase of dangerous drugs from pharmacies and the re-sale of those dangerous drugs to wholesalers and pharmacies within and outside California. During that time period, on 252 different occasions, Respondents purchased 755 dangerous drugs from at least

three different pharmacies, Balboa Pharmacy, Avenel Pharmacy, and My Healthmart Pharmacy.[1] Respondent Dubin was not the wholesaler that had supplied the dangerous drugs to any of these pharmacies. With respect to Avenel Pharmacy, Respondents purchased 108 dangerous drugs on 56 different dates.

20. During and/or prior to that time period, Respondents solicited pharmacies to supply Respondents with dangerous drugs that Respondents would identify to the pharmacies as the desired drugs. At the direction and/or pursuant to the encouragement of Respondents, the pharmacies would acquire the dangerous drugs listed by Respondents, typically from the pharmacies' primary wholesaler(s).[2] The pharmacies acted as purchasing agents for Respondents, buying drugs for Respondents, not their own patients. None of the pharmacies that Respondents purchased drugs from were licensed by the Board as wholesalers. The drugs acquired by the pharmacies were sold to Respondent Dubin.

21. Respondents re-sold the drugs that were acquired from pharmacies, to wholesalers and pharmacies within and outside California, often at a markup. A sampling of purchase and re-sale transactions revealed markups of up to 550 percent. For example, on April 15, 2011, Respondents purchased Magnesium Sulfate from Balboa Pharmacy for $30.00 per unit for a total cost of $1,800; but then resold it to Madigan Army Medical Center on April 18, 2011 at $195.00 per unit for a total price of $11,700, which is a 550 percent mark-up.

22. The pharmacies utilized by Respondents were community pharmacies, yet all or nearly all of the drugs that were purchased by these pharmacies and re-sold to Respondents were drugs primarily used in hospital, medical centers, or other urgent-care environments.

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[1] Balboa Pharmacy holds Pharmacy Permit Number PHY 45633, issued by the Board of Pharmacy. Avenel Pharmacy holds Non-Resident Pharmacy (NRP) Permit NRP 849, issued by the Board of Pharmacy. My Healthmart Pharmacy holds Pharmacy Permit Number PHY 48654, issued by the Board of Pharmacy.

[2] For the purposes of this Accusation, "primary wholesaler" refers to the wholesaler from which the pharmacy purchased the bulk of its dangerous drugs, and/or with which the pharmacy enjoyed a contractual relationship giving the pharmacy an "account" with the wholesaler. Most if not all pharmacies establish a "primary wholesaler" account relationship with a single wholesaler. The pharmacy is issued an account number to use in ordering from the primary wholesaler.

FIRST CAUSE FOR DISCIPLINE

(Aiding or Abetting Unlicensed Wholesalers)

23. Respondents are subject to disciplinary action under Code section 4301(o), for violating and/or attempting to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate, the laws governing pharmacy, when Respondents solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating sections 4160 and 4163 of the Code, in that pharmacies that purchased dangerous drugs on behalf of Respondents, and/or sold dangerous drugs to Respondents for re-sale, by doing so acted as unlicensed wholesalers, as set forth in paragraphs 18 through 22, which are incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Purchasing Dangerous Drugs Under Unauthorized Conditions)

24. Respondents are subject to disciplinary action under Code section 4301(o), for violating and/or attempting to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate, the laws governing pharmacy, when Respondents solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating section 4126.5 of the Code, by purchasing dangerous drugs from pharmacies under unauthorized conditions, as set forth in paragraphs 18 through 22, which are incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

25. Respondents are subject to disciplinary action under Code section 4301, in that the acts described in paragraphs 18 through 22 constitute unprofessional conduct.

PRAYER

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

1. Revoking or suspending Wholesaler Permit Number WLS 6797 issued to Dubin Medical, Inc., doing business as Dubin Medical, Inc.;

2. Revoking or suspending Designated Representative License Number EXC 18131 issued to Raul J. Barajas;

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

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

DATED: 12/14/15

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

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Attorneys for Complainant

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

In the Matter of the Accusation Against: **DUBIN MEDICAL, INC.** **970 Turquoise Street** **San Diego, CA 92109** **Wholesale Permit No. WLS 4212** **and** **RAUL J. BARAJAS** **970 Turquoise Street** **San Diego, CA 92109** **Designative Representative License No. EXC 18131** Respondents.	Case No. 4577 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about November 13, 2002, the Board of Pharmacy issued Wholesale Permit Number WLS 4212 to Dubin Medical, Inc., doing business as Dubin Medical, Inc. (Respondent

Dubin). The Wholesale Permit was in full force and effect at all times relevant to the charges brought herein and will expire on November 1, 2015, unless renewed.

3. On or about June 1, 2005, the Board of Pharmacy issued Designative Representative License Number EXC 18131 to Raul J. Barajas (Respondents Barajas). The Designative Representative License was in full force and effect at all times relevant to the charges brought herein and will expire on June 1, 2016, unless renewed.

JURISDICTION

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

5. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

6. Section 4300(a) of the Code provides that every license issued by the Board may be suspended or revoked.

7. 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.

STATUTORY PROVISIONS

8. Section 4022 of the Code states:

> Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
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> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
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> (b) Any device that bears the statement: "Caution: federal law restricts this 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.

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

9. Section 4022.5 of the Code states:

(a) "Designated representative" means an individual to whom a license has been granted pursuant to Section 4053. A pharmacist fulfilling the duties of Section 4053 shall not be required to obtain a license as a designated representative.

(b) "Designated representative-in-charge" means a designated representative or a pharmacist proposed by a wholesaler or veterinary food-animal drug retailer and approved by the board as the supervisor or manager responsible for ensuring the wholesaler's or veterinary food-animal drug retailer's compliance with all state and federal laws and regulations pertaining to practice in the applicable license category.

10. Section 4043 of the Code, in pertinent part, defines "wholesaler" to mean and include "a person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022."

11. Section 4053 of the Code states in part:

(a) Notwithstanding Section 4051, the board may issue a license as a designated representative to provide sufficient and qualified supervision in a wholesaler or veterinary food-animal drug retailer. The designated representative shall protect the public health and safety in the handling, storage, and shipment of dangerous drugs and dangerous devices in the wholesaler or veterinary food-animal drug retailer.

. . . .

12. Section 4059.5, subdivision (a) of the Code states:

Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the licensed premises and signed for and received by a pharmacist. Where a licensee is permitted to operate through a designated representative, the designated representative shall sign for and receive the delivery.

13. Section 4126.5 of the Code states:

(a) A pharmacy may furnish dangerous drugs only to the following:

(1) A wholesaler owned or under common control by the wholesaler from whom the dangerous drug was acquired.

(2) The pharmaceutical manufacturer from whom the dangerous drug was acquired.

(3) A licensed wholesaler acting as a reverse distributor.

(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized by law.

(6) A health care provider that is not a pharmacy but that is authorized to purchase dangerous drugs.

(7) To another pharmacy under common control.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or persons who committed the violation to a fine not to exceed the amount specified in Section 125.9 for each occurrence pursuant to a citation issued by the board.

(c) Amounts due from any person under this section on or after January 1, 2005, shall be offset as provided under Section 12419.5 of the Government Code. Amounts received by the board under this section shall be deposited into the Pharmacy Board Contingent Fund.

(d) For purposes of this section, "common control" means the power to direct or cause the direction of the management and policies of another person whether by ownership, by voting rights, by contract, or by other means.

14. Section 4160 of the Code provides, in pertinent part, that a wholesaler license shall be required for a person or entity to act as a wholesaler, that every wholesaler shall be supervised or managed by a Designated Representative in Charge, and that the Designated Representative in Charge shall be responsible for the wholesaler's compliance with state and federal laws.

15. Section 4163 of the Code states:

(a) A manufacturer, wholesaler, repackager, or pharmacy may not furnish a dangerous drug or dangerous device to an unauthorized person.

(b) Dangerous drugs or dangerous devices shall be acquired from a person authorized by law to possess or furnish dangerous drugs or dangerous devices. If the person acquiring the dangerous drugs or dangerous devices is a wholesaler, the obligation of the wholesaler shall be limited to obtaining confirmation of licensure of those sources from whom it has not previously acquired dangerous drugs or dangerous devices.

16. Section 4301 of the Code states in pertinent part:

> The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
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> . . . .
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> (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.
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COST RECOVERY

17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL ALLEGATIONS

18. Since August 20, 2007, Respondent Barajas has been the Designated Representative In Charge (DRIC) of Respondent Dubin.

19. For a period of time that included but was not necessarily limited to dates on and/or between September 4, 2009 and June 27, 2012, Respondents were engaged in a business practice that involved the purchase of dangerous drugs from pharmacies and the re-sale of those dangerous drugs to wholesalers and pharmacies within and outside California. During that time period, on 252 different occasions, Respondents purchased 755 dangerous drugs from at least three different pharmacies, Balboa Pharmacy, Avenel Pharmacy, and My Healthmart Pharmacy.[1]

[1] Balboa Pharmacy holds Pharmacy Permit Number PHY 45633, issued by the Board of Pharmacy. Avenel Pharmacy holds Non-Resident Pharmacy (NRP) Permit NRP 849, issued by the Board of Pharmacy. My Healthmart Pharmacy holds Pharmacy Permit Number PHY 48654, issued by the Board of Pharmacy.

Respondent Dubin was not the wholesaler that had supplied the dangerous drugs to any of these pharmacies. With respect to Avenel Pharmacy, Respondents purchased 108 dangerous drugs on 56 different dates.

20. During and/or prior to that time period, Respondents solicited pharmacies to supply Respondents with dangerous drugs that Respondents would identify to the pharmacies as the desired drugs. At the direction and/or pursuant to the encouragement of Respondents, the pharmacies would acquire the dangerous drugs listed by Respondents, typically from the pharmacies' primary wholesaler(s).[2] The pharmacies acted as purchasing agents for Respondents, buying drugs for Respondents, not their own patients. None of the pharmacies that Respondents purchased drugs from were licensed by the Board as wholesalers. The drugs acquired by the pharmacies were sold to Respondent Dubin.

21. Respondents re-sold the drugs that were acquired from pharmacies, to wholesalers and pharmacies within and outside California, often at a markup. A sampling of purchase and re-sale transactions revealed markups of up to 550 percent. For example, on April 15, 2011, Respondents purchased Magnesium Sulfate from Balboa Pharmacy for $30.00 per unit for a total cost of $1,800; but then resold it to Madigan Army Medical Center on April 18, 2011 at $195.00 per unit for a total price of $11,700, which is a 550 percent mark-up.

22. The pharmacies utilized by Respondents were community pharmacies, yet all or nearly all of the drugs that were purchased by these pharmacies and re-sold to Respondents were drugs primarily used in hospital, medical centers, or other urgent-care environments.

FIRST CAUSE FOR DISCIPLINE

(Aiding or Abetting Unlicensed Wholesalers)

23. Respondents are subject to disciplinary action under Code section 4301(o), for violating and/or attempting to violate, directly or indirectly, assisted in or abetted the violation of,

[2] For the purposes of this Accusation, "primary wholesaler" refers to the wholesaler from which the pharmacy purchased the bulk of its dangerous drugs, and/or with which the pharmacy enjoyed a contractual relationship giving the pharmacy an "account" with the wholesaler. Most if not all pharmacies establish a "primary wholesaler" account relationship with a single wholesaler. The pharmacy is issued an account number to use in ordering from the primary wholesaler.

or conspired to violate, the laws governing pharmacy, when Respondents solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating sections 4160 and 4163 of the Code, in that pharmacies that purchased dangerous drugs on behalf of Respondents, and/or sold dangerous drugs to Respondents for re-sale, by doing so acted as unlicensed wholesalers, as set forth in paragraphs 18 through 22, which are incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Purchasing Dangerous Drugs Under Unauthorized Conditions)

24. Respondents are subject to disciplinary action under Code section 4301(o), for violating and/or attempting to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate, the laws governing pharmacy, when Respondents solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating section 4126.5 of the Code, by purchasing dangerous drugs from pharmacies under unauthorized conditions, as set forth in paragraphs 18 through 22, which are incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

25. Respondents are subject to disciplinary action under Code section 4301, in that the acts described in paragraphs 18 through 22 constitute unprofessional conduct.

PRAYER

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

1. Revoking or suspending Wholesaler Permit Number WLS 4212 issued to Dubin Medical, Inc., doing business as Dubin Medical, Inc.;

2. Revoking or suspending Designated Representative License Number EXC 18131 issued to Raul J. Barajas;

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

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

DATED: 9/20/15

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

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