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

11 In the Matter of the Accusation Against:

Case No. 6020

12 **INFINITE HEALTH SOLUTIONS, INC.**
13 **D.B.A. IRVINE WELLNESS PHARMACY,**
14 **MARC. T. HOANG, OWNER**
113 Waterworks Way, Ste. 160A
Irvine, CA 92618

ACCUSATION

15
16 **Permit No. PHY 50976,**

17 **and**

18 **MARC. T. HOANG**
19 8841 Valley Blvd.
Rosemead, CA 91770

20 **Pharmacist License No. RPH 50411**

21 Respondents.
22

23
24 Complainant alleges:

25 **PARTIES**

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

1 The board may, by regulation, determine the circumstances under which a license may be
2 transferred.”

3 8. Section 4301 of the Code states:

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

7 . . .

8 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
9 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
10 whether the act is a felony or misdemeanor or not.

11 “(g) Knowingly making or signing any certificate or other document that falsely represents
12 the existence or nonexistence of a state of facts.

13 . . .

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

18 9. Code section 4307 states:

19 (a) Any person who has been denied a license or whose license has been revoked or is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

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

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

5 “(b) ‘Manager, administrator, owner, member, officer, director, associate, or partner,’ as
6 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
7 in that capacity in or for a licensee.

8 “(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
9 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
10 However, no order may be issued in that case except as to a person who is named in the caption,
11 as to whom the pleading alleges the applicability of this section, and where the person has been
12 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
13 1 of Division 3 of the Government Code. The authority to proceed as provided by this
14 subdivision shall be in addition to the board's authority to proceed under Section 4339 or any
15 other provision of law.”

16 10. California Code of Regulations, title 16, section 1709, states:

17 “(a) Each permit to operate a pharmacy shall show the name and address of the pharmacy,
18 the form of ownership (individual, partnership or corporation) and the pharmacist-in-charge. Each
19 pharmacy shall, in its initial application on the annual renewal form, report the name of the
20 pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a
21 corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall
22 be reported to the Board within 30 days.

23 “(b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more
24 of the beneficial interest in a business entity licensed by the board to a person or entity who did
25 not hold a beneficial interest at the time the original permit was issued, shall require written
26 notification to the board within 30 days.

27 “(c) The following shall constitute a transfer of permit and require application for a change
28 of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a

1 single transaction or in a series of transactions, to any person or entity, which transfer results in
2 the transferee's holding 50% or more of the beneficial interest in that license.”

3 **COST RECOVERY**

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

10 **FACTUAL SUMMARY**

11 12. On or about August 14, 2013, Respondent Hoang transferred 100% of his stock in
12 Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy (Respondent Irvine Wellness
13 Pharmacy), located at 113 Waterworks Way, Suite 160A, Irvine, CA 92618, to Leslie Andre
14 Ezidore a.k.a. Andre Ezidore and Fatima Z. Harmi Ezidore a.k.a. Fatima Harmi (the “Ezidores”).
15 In or about August 2013, the Ezidores began to operate the pharmacy. On or about October 1,
16 2013, a Statement of Information for Infinite Health Solutions, Inc. was filed with the Secretary of
17 State, stating that Fatima Z. Harmi Ezidore was the Chief Executive Officer, Secretary, Chief
18 Financial Officer, and Director. Respondents did not report the change in ownership or the
19 change in corporate officers to the Board as required. Instead, Respondent Hoang continued to
20 sign the pharmacy's license renewal applications in 2014, 2015 and 2016, and the pharmacy's
21 change of pharmacist-in-charge applications in April 2014 and January 2015, which were after the
22 sale of the pharmacy, falsely representing that he was still the owner of Infinite Health Solutions,
23 Inc. d.b.a. Irvine Wellness Pharmacy.

24 13. As of the Board's inspection of Respondent Irvine Wellness Pharmacy's facility,
25 located at 113 Waterworks Way, Ste. 160A, Irvine, CA 92618, on June 7, 2016, Respondent
26 Irvine Wellness Pharmacy was licensed as a non-resident pharmacy in 33 states.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Notify the Board of Change in Ownership)**

3 14. Respondent Irvine Wellness Pharmacy is subject to disciplinary action under Code
4 sections 4300 and 4301, subdivision (o), on the grounds of unprofessional conduct, in that it
5 violated California Code of Regulations, title 16, section 1709, subdivisions (a) and (c), by failing
6 to notify the Board of its change of ownership as required. Complainant refers to, and by this
7 reference incorporates, the allegations set forth above in paragraphs 2, 12, and 13, as though set
8 forth in full herein.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Failure to Notify the Board of Change in Ownership)**

11 15. Respondent Hoang is subject to disciplinary action under Code sections 4300 and
12 4301, subdivision (o), on the grounds of unprofessional conduct, in that it violated California
13 Code of Regulations, title 16, section 1709, subdivisions (a) and (c), by failing to report to the
14 Board the change in ownership of Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy
15 as required. Complainant refers to, and by this reference incorporates, the allegations set forth
16 above in paragraphs 2 and 12 through 14, as though set forth in full herein.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct - Falsifying Documents)**

19 16. Respondent Hoang is subject to disciplinary action under Code sections 4300 and
20 4301, subdivision (g), on the grounds of unprofessional conduct, in that he knowingly made or
21 signed documents that falsely represented the existence or nonexistence of a state of facts.
22 Specifically, in 2014, 2015 and 2016, Respondent Hoang represented himself as the owner of
23 Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy, when he signed the pharmacy's
24 license renewal applications after he sold the pharmacy in 2013. Respondent Hoang also
25 represented himself as the owner when he signed the change in pharmacist in charge application
26 on April 2014 and January 2015. Complainant refers to, and by this reference incorporates, the
27 allegations set forth above in paragraphs 2 and 12 through 15, as though set forth in full herein.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct - Dishonesty, Fraud, Deceit)**

3 17. Respondent Hoang is subject to disciplinary action under Code sections 4300 and
4 Section 4301, subdivision (f), on the grounds of unprofessional conduct, in that he committed acts
5 involving moral turpitude, dishonesty, fraud, deceit, or corruption. Specifically, Respondent
6 Hoang was dishonest when he signed the pharmacy license renewal for 2014, 2015 and 2016 for
7 Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy and represented himself as the
8 owner when, in fact, he was not the owner of the pharmacy. Respondent Hoang was also
9 dishonest when he represented himself as the owner and signed the change in pharmacist-in-
10 charge application on April 2014 and January 2015, when, in fact, he was not the owner of the
11 pharmacy. Complainant refers to, and by this reference incorporates, the allegations set forth
12 above in paragraphs 2, 12 through 16, as though set forth in full herein.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct - Aiding and Abetting Unlicensed Activity)**

15 18. Respondent Hoang is subject to disciplinary action under Code sections 4300 and
16 4301, subdivision (o), on the grounds of unprofessional conduct, in that he violated Code section
17 4110, by aiding and abetting unlicensed activity. Specifically, in or about August 2013,
18 Respondent Hoang sold Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy to the
19 Ezidores, but failed to notify the Board. Instead, Respondent Hoang continued to sign the
20 pharmacy license renewals in 2014, 2015, and 2016, and the change in pharmacist-in-charge
21 applications on 2014 and 2015, falsely representing himself as the owner; thereby, aiding and
22 abetting the unlicensed activity of the Ezidores. Complainant refers to, and by this reference
23 incorporates, the allegations set forth above in paragraphs 2 and 12 through 17, as though set forth
24 in full herein.

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1 **DISCIPLINE CONSIDERATIONS**

2 19. To determine the degree of discipline, if any, to be imposed on Respondents,
3 Complainant alleges the following:

4 a. On or about April 11, 2014, the Board of Pharmacy issued Citation Number CI 2013
5 60878 with a fine of \$1,500 to Respondent Hoang, for violating Section 4110 of the Code
6 (operating a pharmacy without a license). That Citation is now final and is incorporated by
7 reference herein as if fully set forth.

8 b. On or about April 8, 2016, the Board of Pharmacy issued Citation Number CI 2014
9 63990 with a fine of \$5,000 to Respondent Irvine Wellness Pharmacy, for violating California
10 Code of Regulations, title 16, section 1761 (dispensing prescriptions that contained significant
11 errors or omissions). That Citation is now final and is incorporated by reference herein as if fully
12 set forth.

13 c. On or about July 15, 2016, the Board of Pharmacy issued Citation Number CI 2015
14 69859 with a fine of \$500 to Respondent Hoang, for violating California Code of Regulations,
15 title 16, section 1761 (dispensing prescriptions that contained significant errors or omissions).
16 That Citation is now final and is incorporated by reference herein as if fully set forth.

17 **OTHER MATTERS**

18 20. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
19 Number PHY 50976 issued to Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy,
20 ~~Infinite Health Solutions, Inc. shall be prohibited from serving as a manager, administrator,~~
21 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
22 Permit Number PHY 50976 is placed on probation or until Pharmacy Permit Number PHY 50976
23 is reinstated if it is revoked.

24 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit
25 Number PHY 50976 issued to Infinite Health Solutions, Inc. d.b.a. Irvine Wellness Pharmacy
26 while Marc T. Hoang has been an officer and owner and had knowledge of or knowingly
27 participated in any conduct for which the licensee was disciplined, Marc T. Hoang shall be
28 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,

1 or partner of a licensee for five years if Pharmacy Permit Number PHY 50976 is placed on
2 probation or until Pharmacy Permit Number PHY 50976 is reinstated if it is revoked.

3 **PRAYER**

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

6 1. Revoking or suspending Permit Number PHY 50976, issued to Infinite Health
7 Solutions, Inc. d.b.a. Irvine Wellness Pharmacy;

8 2. Revoking or suspending Pharmacist License Number RPH 50411, issued to Marc T.
9 Hoang;

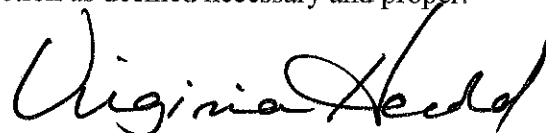
10 3. Prohibiting Infinite Health Solutions, Inc. from serving as a manager, administrator,
11 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
12 Permit Number PHY 50976 is placed on probation or until Pharmacy Permit Number PHY 50976
13 is reinstated if Pharmacy Permit Number 50976 issued to Infinite Health Solutions, Inc. d.b.a.
14 Irvine Wellness Pharmacy is revoked;

15 4. Prohibiting Marc T. Hoang from serving as a manager, administrator, owner,
16 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
17 Number PHY 50976 is placed on probation or until Pharmacy Permit Number PHY 50976 is
18 reinstated if Pharmacy Permit Number PHY 50976 issued to Infinite Health Solutions, Inc. d.b.a.
19 Irvine Wellness Pharmacy is revoked;

20 ~~5. Ordering Irvine Wellness Pharmacy and Marc T. Hoang to pay the Board of~~
21 ~~Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to~~
22 ~~Business and Professions Code section 125.3; and,~~

23 6. Taking such other and further action as deemed necessary and proper.

24
25 DATED: 3/9/17



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