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8	Attorneys for Complainant	
9	BEFORE THE BOARD OF PHARMACY	
	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
1 -		
	In the Matter of the Statement of Issues	Case No. 5494
	Against:	STATEMENT OF ISSUES
11	DUBIN MEDICAL, INC., GILBERT CARPENTER, PRESIDENT/CEO	
	Nonresident Wholesaler Permit Applicant	
	Responde	
5	•	
5	•	
	Responde Complainant alleges:	
5 7 - 3 9	Responde Complainant alleges:	ent. PARTIES
	Responde Complainant alleges: <u>I</u> 1. Virginia Herold (Complainant) b	ent. PARTIES rings this Statement of Issues solely in her offic
	Responde Complainant alleges: <u>I</u> 1. Virginia Herold (Complainant) b capacity as the Executive Officer of the Boar	ent. PARTIES rings this Statement of Issues solely in her offic
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1	JURISDICTION		
2	3. This Statement of Issues is brought before the Board of Pharmacy (Board),		
3	Department of Consumer Affairs, under the authority of the following laws. All section		
4	references are to the Business and Professions Code unless otherwise indicated.		
5	4. Business and Professions Code section 480, subdivision (a)(3) states:		
6	(a) A board may deny a license regulated by this code on the grounds that		
7	the applicant has one of the following:		
8	•••••		
9	(3) (A) Done any act that if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.		
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11			
12	5. California Code of Regulations, title 16, section 1770, states:		
13	For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business		
14	and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to		
15			
16 [°] 17	perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare.		
18	CAUSE FOR DENIAL OF APPLICATION		
19	(Acts Done by Licentiate)		
20	6. Respondent's application is subject to denial under section 480, subdivision (a)(3) in		
21	that, Respondent engaged in acts which, if done by a licentiate, would constitute grounds for a		
22	suspension or revocation of licensure. The circumstances are as follows:		
23	a. On or about November 13, 2002, the Board of Pharmacy issued Wholesale		
24	Permit Number WLS 4212 to Dubin Medical, Inc., doing business as Dubin Medical, Inc. located		
25	at 970 Turquoise Street in San Diego, CA 92109.		
26	b. Respondent's application is subject to denial based on the following acts, as		
27	more fully set forth in Accusation No. 4577 filed by the Board of Pharmacy against Dubin		
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	STATEMENT OF ISSUES		

Medical, Inc., doing business as Dubin Medical (Permit Number WLS 4212) on September 20,
 2015:

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 Respondent
 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
 Respondent, and/or sold dangerous drugs to Respondent for re-sale, by doing so acted as
 unlicensed wholesalers in violation of Code section 4301(o).

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2. 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 Respondent
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 in violation of Code section 4301(o).

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3. Committing unprofessional conduct in violation of Code section 4301.

c. A true and correct copy of Accusation No. 4577 is attached hereto as Exhibit "A,"
and incorporated herein by reference.

<u>PRAYER</u>

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Denying the application for a Nonresident Wholesaler Permit from Dubin Medical,
 Inc., with Gilbert Carpenter, President/CEO (Respondent).

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

21 DATED: 10/20/15 22

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Oliginia Seeded

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