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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 5494

STATEMENT OF ISSUES

13 **DUBIN MEDICAL, INC.,**
14 **GILBERT CARPENTER,**
PRESIDENT/CEO

15 **Nonresident Wholesaler Permit Applicant**

16 Respondent.

17
18 Complainant alleges:

19 PARTIES

- 20 1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
22 2. On or about August 5, 2014, the Board of Pharmacy, Department of Consumer
23 Affairs received an application for a Nonresident Wholesaler Permit from Dubin Medical, Inc.,
24 with Gilbert Carpenter, President/CEO (Respondent). On or about September 25, 2014, Gilbert
25 Carpenter certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on April 24, 2015.

1 Medical, Inc., doing business as Dubin Medical (Permit Number WLS 4212) on September 20,
2 2015:

3 1. Violating and/or attempting to violate, directly or indirectly, assisted in or
4 abetted the violation of, or conspired to violate, the laws governing pharmacy, when Respondent
5 solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating sections
6 4160 and 4163 of the Code, in that pharmacies that purchased dangerous drugs on behalf of
7 Respondent, and/or sold dangerous drugs to Respondent for re-sale, by doing so acted as
8 unlicensed wholesalers in violation of Code section 4301(o).

9 2. Violating and/or attempting to violate, directly or indirectly, assisted in or
10 abetted the violation of, or conspired to violate, the laws governing pharmacy, when Respondent
11 solicited, encouraged, assisted in, abetted, or conspired toward, transactions violating section
12 4126.5 of the Code, by purchasing dangerous drugs from pharmacies under unauthorized
13 conditions in violation of Code section 4301(o).

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

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

17 PRAYER

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

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

21
22 DATED: 10/20/15



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

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