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7  
8 **BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

9  
10 In the Matter of the Accusation Against:

11 CURE-AID PHARMACY  
22320 Barton Road  
Grand Terrace, CA 92313  
12  
13 Owner, David Wick  
Pharmacy Permit No. PHY 44466

14 Respondent.

Case No. 2445

OAH No. L-2002070725

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
18 proceeding that the following matters are true:

19 PARTIES

20 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
22 by Bill Lockyer, Attorney General of the State of California, by Glynda B. Gomez, Deputy  
23 Attorney General.

24 2. On or about January 27, 2000, the Board of Pharmacy issued Pharmacy  
25 Permit No. PHY 44466 to Cure Aid Pharmacy with David Wick as owner ("Respondent").

26 3. Respondent is not represented by counsel.

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28 / / /







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STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

CURE-AID PHARMACY  
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Grand Terrace, CA 92313

Owner, David Wick  
Pharmacy Permit No. PHY 44466,

Respondent.

Case No. 2445

OAH No. L-2002070725

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 27, 2004.

It is so ORDERED January 28, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
JOHN D. JONES  
Board President

**Exhibit A**  
**Accusation No. 2445**

1 BILL LOCKYER, Attorney General  
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8 **BEFORE THE**  
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10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2445

12 CURE-AID PHARMACY  
22320 Barton Road  
13 Grand Terrace, California 92313  
Pharmacy Permit No. PHY 44466

**ACCUSATION**

14 DAVID WICK, owner

15  
16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Patricia F. Harris ("Complainant") brings this Accusation solely in  
21 her official capacity as the Executive Officer of the Board of Pharmacy, Department of  
22 Consumer Affairs.

23 2. On or about January 27, 2000, the Board of Pharmacy issued  
24 Pharmacy Permit Number PHY 44466 to CPS National, Inc. dba Cure-Aid Pharmacy  
25 ("Respondent"). David Wick was the president, CEO and sole shareholder of  
26 respondent. Lydia Ferraris-Reed, RPH 40227 was the Pharmacist-in-Charge from  
27 June 30, 2000 through December 15, 2000. Dina Dubini, RPH 47956 was the  
28

1 Pharmacist-in-Charge from January 15, 2001 through May 23, 2001. The Pharmacy  
2 Permit was in full force and effect at all times relevant to the charges brought herein  
3 and will expire on January 1, 2003, unless renewed.

#### 4 JURISDICTION

5 3. This Accusation is brought before the Board of Pharmacy  
6 ("Board"), under the authority of the following sections of the Business and Professions  
7 Code<sup>1</sup>.

8 4. Section 4300 permits the Board to take disciplinary action to  
9 suspend or revoke a license or permit.

10 5. Section 118(b) of the Code states the suspension, expiration, or  
11 forfeiture by operation of law of a license issued by a Board in the department, or its  
12 suspension, forfeiture, or cancellation by order of the Board or by order of a court of  
13 law, or its surrender without the written consent of the Board, shall not, during any  
14 period in which it may be renewed, restored, reissued, or reinstated, deprive the Board  
15 of its authority to institute or continue a disciplinary proceeding against the licensee.

16 6. Section 4301 states that the Board shall take action against any  
17 holder of a license who is guilty of unprofessional conduct or whose license has been  
18 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct  
19 shall include, but is not limited to, any of the following:

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

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

25 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
26 abetting the violation of or conspiring to violate any provision or term

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27 1. All further statutory references will be to the Business and Professions Code  
28 unless otherwise noted.

1 of this chapter or of the applicable federal and state laws and regulations governing  
2 pharmacy, including regulations established by the board.

3 (p) Actions or conduct that would have warranted denial of a license.

4 (q) Engaging in any conduct that subverts or attempts to subvert an investigation  
5 of the board.

6 7. Section 4322 states that any person who attempts to secure or  
7 secures licensure for himself or herself or any other person under this chapter by  
8 making or causing to be made any false representations, or who fraudulently represents  
9 himself or herself to be registered, is guilty of a misdemeanor.

10 8. Section 4201(a) states, in pertinent part, that each application to  
11 conduct a pharmacy shall state the name of the applicant and each person beneficially  
12 interest therein.

13 9. Section 4082 states that when called upon by an inspector, the  
14 owner or manager of any entity licensed by the board, or other store, shop, building, or  
15 premises retailing, wholesaling, or storing drugs or devices shall furnish the inspector  
16 with the names of the owner or owners, manager or managers, and employees together  
17 with a brief statement of the capacity in which these persons are employed on the  
18 premises.

19 10. Section 4111(a) states, in pertinent part, that except as otherwise  
20 provided in subdivision (b) or (d), the board shall not issue or renew any license to  
21 conduct a pharmacy to, but not limited to, the following:

22 (2) A person or persons with whom a person or persons specified in paragraph (1)  
23 shares a community or other financial interest in the permit sought.

24 11. Section 4312(a) states, in pertinent part, that the board may void  
25 the license of a pharmacy if the licensed premises remains closed, as defined in  
26 subdivision (e), other than by order of the board. For good cause shown, the board  
27 may void a license after a shorter period of closure. To void a license pursuant to this  
28 subdivision, the board shall make a diligent, good faith effort to give notice by personal



1 section 4300 and in violation of section 4111(a)(2) in that Respondent allowed Nagy  
2 Phillips Bebawy to invest more than 10% in Respondent without permission from the  
3 Board.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Failure to Operate as a Pharmacy Within 120-Day Period)**

6 16. Respondent has subjected its license to discipline pursuant to  
7 Section 4300 and in violation of sections 4312(a) and (e) as follows:

8 a. On January 27, 2000, Respondent was licensed by the Board.  
9 Respondent failed to engage in the ordinary activity by not filling prescriptions in the  
10 pharmacy until July 6, 2000, and is subject to cancellation for failing to operate as a  
11 pharmacy at least one day within any 120-day period.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Non-Pharmacists Received and Signed for Dangerous Drugs)**

14 17. Respondent has subjected its license to discipline pursuant to  
15 section 4300 and in violation of section 4059.5(a) in that between November 30, 2000  
16 and December 26, 2000, Respondent permitted non-pharmacists Miguel L. and Rose  
17 Rodriguez to receive and sign for dangerous drugs from Owl Rexall Pharmacy and  
18 Minaceuticals.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 18. Respondent has subjected its license to discipline pursuant to  
22 section 4300 for dishonesty, fraud and/or deceit in that David Wick, president/ CEO of  
23 respondent, advised a Board inspector that Respondent began filling prescriptions in  
24 April of 2000 when in truth and fact, Respondent did not begin filling prescriptions until  
25 July 6, 2000.

26 **SIXTH CAUSE FOR DISCIPLINE**

27 **(Unprofessional Conduct)**

28 19. Respondent has subjected its license to discipline pursuant to

1 section 4300 and in violation of sections 4301(f), (g), (o) and (q) for unprofessional  
2 conduct as set forth above in paragraphs 14, 15, 16, 17, and 18.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 20. Respondent has subjected its license to discipline pursuant to  
6 section 4300 and in violation of sections 4301(f), (g), and (q) for unprofessional conduct  
7 for failure to disclose on its Certification of Personnel form and Individual Personnel  
8 Affidavit, that on or about January 23, 1998, the State of California, Department of Real  
9 Estate issued a conditional suspension against the real estate license of David Wick,  
10 President/ CEO of respondent, for violation of section 10153.4 (Continuing Education).

11 **PRAYER**

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

- 15 1. Revoking or suspending Pharmacy Permit Number PHY 44466,  
16 issued to Respondent;
- 17 2. Ordering Respondent to pay the Board of Pharmacy the  
18 reasonable costs of the investigation and enforcement of this case, pursuant to  
19 Business and Professions Code section 125.3;
- 20 3. Taking such other and further action as deemed necessary and  
21 proper.

22  
23 DATED: 6/3/02

24  
25 P. F. Harris  
26 PATRICIA F. HARRIS  
27 Executive Officer  
28 Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant