

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

In the Matter of the Accusation Against:

SAYRE MEDICAL PHARMACY, INC.
14124 Foothill Blvd.
Sylmar, CA 91342
Pharmacy Permit No. PHY 18263

AND

GARY BRUCE AVNET
17331 Labrador Street
Northridge, CA 91325
Pharmacist License No. RPH 25684

Respondents.

Case No. 3421

**AS TO RESPONDENT
SAYRE MEDICAL PHARMACY,
INC. ONLY**

DECISION AND ORDER

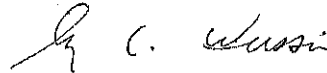
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on June 20, 2013.

It is so ORDERED on May 21, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 KRITHTHIKA VASUDEVAN
Deputy Attorney General
4 State Bar No. 247590
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2540
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

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15 **AND**

16 **GARY BRUCE AVNET**
17331 Labrador Street
17 Northridge, CA 91325
Pharmacist License No. RPH 25684
18

19 Respondents.
20

Case No. 3421

OAH No. 2010060039

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR
RESPONDENT SAYRE MEDICAL
PHARMACY, INC.**

21 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
22 proceeding that the following matters are true:

23 **PARTIES**

24 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
25 She brought this action solely in her official capacity and is represented in this matter by Kamala
26 D. Harris, Attorney General of the State of California, by Kriththika Vasudevan, Deputy Attorney
27 General.

28 //

1 2. Sayre Medical Pharmacy, Inc. ("Respondent Sayre") is represented in this proceeding
2 by defense attorney Herbert Weinberg, whose business address is 1800 Century Park East, 8th
3 Fl., Los Angeles, CA 90067.

4 3. On or about January 23, 1975, the Board of Pharmacy issued Permit Number PHY
5 18263 to Respondent Sayre. The permit was in full force and effect at all times relevant to the
6 charges brought herein and will expire on September 1, 2013, unless renewed.

7 4. Gary Bruce Avnet ("Respondent Avnet") is represented in this proceeding by defense
8 attorney Herbert Weinberg, whose business address is 1800 Century Park East, 8th Fl., Los
9 Angeles, CA 90067.

10 5. On or about August 6, 1968, the Board of Pharmacy issued Pharmacist License
11 Number RPH 25684 to Respondent Avnet. The pharmacist license was in full force and effect at
12 all times relevant to the charges brought in Accusation No. 3421 and will expire on January 31,
13 2015, unless renewed.

14 6. Gary Bruce Avnet, is the sole owner, President, and Pharmacist-In- Charge, of Sayre
15 Medical Pharmacy, Inc., and the authorized representative of the corporate permit.

16 **JURISDICTION**

17 7. Accusation No. 3421 was filed before the Board of Pharmacy ("Board"), Department
18 of Consumer Affairs, and is currently pending against both Respondents. The Accusation and all
19 other statutorily required documents were properly served on Respondents on March 24, 2010.
20 Respondents timely filed a Notice of Defense contesting the Accusation. A copy of Accusation
21 No. 3421 is attached as Exhibit A and incorporated by reference.

22 **ADVISEMENT AND WAIVERS**

23 8. Respondent Sayre, through its authorized representative, has carefully read and fully
24 understands the charges and allegations in the Accusation No. 3421.

25 9. Respondent Sayre, through its authorized representative, has carefully read and fully
26 understands the effects of this Stipulated Settlement and Disciplinary Order.

27 10. Respondent Sayre, through its authorized representative, is fully aware of its legal
28 rights in this matter, including the right to a hearing on the charges and allegations in the

1 Accusation No. 3421; the right to be represented by counsel, at its own expense; the right to
2 confront and cross-examine the witnesses against it; the right to present evidence and to testify on
3 its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and
4 the production of documents; the right to reconsideration and court review of an adverse decision;
5 and all other rights accorded by the California Administrative Procedure Act and other applicable
6 laws.

7 11. Respondent Sayre, through its authorized representative, voluntarily, knowingly, and
8 intelligently waives and gives up each and every right set forth above.

9 **CULPABILITY**

10 12. Respondent Sayre, through its authorized representative, admits the truth of each and
11 every charge and allegation in Accusation No. 3421.

12 13. Respondent Sayre, through its authorized representative, agrees that its license is
13 subject to discipline and agrees to be bound by the discipline imposed by the Board of Pharmacy
14 as set forth in the Disciplinary Order below.

15 **RESERVATION**

16 14. The admissions made in this Stipulated Settlement and Disciplinary Order by
17 Respondent Sayre, through its authorized representative, are only for the purposes of this
18 proceeding, or any other proceedings in which the Board of Pharmacy or other professional
19 licensing agency is involved. The admissions made in this Stipulated Settlement and Disciplinary
20 Order by Respondent Sayre, through its authorized representative, shall not be admissible in any
21 other criminal or civil proceeding.

22 **CONTINGENCY**

23 15. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
24 Sayre, through its authorized representative, understands and agrees that counsel for Complainant
25 and the staff of the Board of Pharmacy may communicate directly with the Board regarding this
26 stipulated settlement, without notice to or participation by Respondent Sayre, through its
27 authorized representative, or its counsel. By signing the stipulation, Respondent Sayre, through
28 its authorized representative, understands and agrees that it may not withdraw its agreement or

1 seek to rescind the stipulation prior to the time the Board considers and acts upon it. The Board
2 shall adopt this stipulation and the accompanying Stipulated Surrender and Disciplinary Order as
3 to Respondent Avnet under Accusation No. 3421 as its Decision and Order. Otherwise, these
4 stipulations shall be of no force or effect, except for this paragraph, it shall be inadmissible in any
5 legal action between the parties, and the Board shall not be disqualified from further action by
6 having considered this matter.

7 16. This Stipulated Surrender and Disciplinary Order are intended by the parties to be an
8 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
9 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
10 negotiations, and commitments, whether written or oral. This stipulated settlement may not be
11 altered, amended, modified, supplemented, or otherwise changed except by a writing executed by
12 an authorized representative of each of the parties.

13 17. The parties understand and agree that electronic or facsimile copies of this Stipulated
14 Settlement of License and Disciplinary Order, including electronic or facsimile signatures thereto,
15 shall have the same force and effect as an original.

16 18. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or formal proceeding, issue and enter the following Order:

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 18263 issued to Respondent
20 Sayre is revoked; however, revocation is stayed and Respondent Sayre is placed on probation for
21 a period of six (6) month beginning on the effective date of this decision or October 1, 2013,
22 whichever date occurs first.

23 **After six (6) months from the effective date of this decision or October 1, 2013,**
24 **whichever date occurs first, the stay will be automatically lifted and Pharmacy Permit No.**
25 **PHY 18263 will be permanently revoked, without further notice or formal hearing.**

1 During the period of probation, Respondent Sayre shall be subject to the following terms
2 and conditions:

3 1. Obey All Laws. Respondent Sayre, through its authorized representative, shall obey
4 all state and federal laws and regulations. Respondent Sayre, through its authorized
5 representative, shall report any of the following occurrences to the Board, in writing, within
6 seventy-two (72) hours of such an occurrence:

7 - An arrest or issuance of a criminal complaint for violation of any provision of Pharmacy
8 Law, state and federal food and drug laws, or state and federal controlled substances law.

9 - A plea of guilty or nolo contendere in any state or federal criminal proceeding to any
10 criminal complaint, information, or indictment.

11 - A conviction of any crime

12 - Discipline, citation, or other administrative action filed by any state or federal agency
13 which involves Respondent's Avnet license and Respondent Sayre's pharmacy permit or which is
14 related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
15 or charging for any drug, device, or controlled substance.

16 Failure to timely report such occurrence shall be considered a violation of probation.

17 2. Consulting Pharmacist. Within thirty (30) days of the effective date of the decision,
18 Respondent Sayre, through its authorized representative, shall employ a consulting pharmacist to
19 assist with maintaining the pharmacy's compliance with all applicable pharmacy laws and
20 regulations. Prior to the employment of this consultant, Respondent Sayre, through its authorized
21 representative, shall submit the name of the candidate(s) for the position of consulting pharmacist,
22 to the Board for approval. If Respondent Sayre's, candidates are denied by the Board, then within
23 seven (7) days of the denial, the Respondent Sayre, through its authorized representative, shall
24 submit the name of another candidate for the position of consulting pharmacist.

25 3. Report to the Board. Respondent Sayre, through its authorized representative, shall
26 report to the Board on a schedule as directed by the Board or its designee. The report shall be
27 made either in person, through its authorized representative, or in writing as directed. Among
28 other requirements, Respondent Sayre, through its authorized representative, shall state in each

1 report under penalty of perjury whether there has been compliance with all terms and conditions
2 of probation. Failure to submit timely reports in a form as directed shall be considered a violation
3 of probation. Any period of delinquency in submission of reports as directed, shall be considered
4 a violation of probation.

5 4. Interview with Board. Upon receipt of reasonable prior notice, Respondent Sayre,
6 through its authorized representative, shall appear in person for interviews with the Board or its
7 designee, at such intervals and locations as are determined by the Board or its designee. Failure
8 to appear for any scheduled interview without prior notification to Board staff, or failure to
9 appear for two (2) or more scheduled interviews with the Board or its designee during the period
10 of probation, shall be considered a violation of probation.

11 5. Cooperate with Board Staff. Respondent Sayre, through its authorized representative,
12 shall cooperate with the Board's inspection program and with the Board's monitoring and
13 investigation of Respondent's compliance with the terms and conditions of probation. Failure to
14 cooperate shall be considered a violation of probation.

15 6. Probation Monitoring Costs. Respondent Sayre, through its authorized
16 representative, shall pay any costs associated with probation, monitoring as determined by the
17 Board. Such costs shall be payable to the Board on a schedule as directed by the Board or its
18 designee. Failure to pay such costs by the deadline as directed shall be considered a violation of
19 probation.

20 7. Status of License. Respondent Sayre, through its authorized representative, shall at
21 all times while on probation, maintain current licensure with the Board. If Respondent Sayre,
22 through its authorized representative, submits an application to the Board, and the application is
23 approved, for a change of location, change of permit or change of ownership, the Board shall
24 continue jurisdiction over the license, and Respondent Sayre, through its authorized
25 representative, shall remain on probation as determined by the Board. Failure to maintain current
26 licensure shall be considered a violation of probation.

27 If Respondent Sayre's permit expires or is cancelled by operation of law or otherwise at any
28 time during the period of probation, including any extensions thereof or otherwise, upon renewal

1 or reapplication Respondent Sayre's permit shall be subject to all terms and conditions of this
2 probation not previously satisfied.

3 8. License Surrender While on Probation. Following the effective date of this decision,
4 should Respondent Sayre, discontinue business, Respondent Sayre may tender the premises
5 license to the Board for surrender. The Board or its designee shall have the discretion whether to
6 grant the request for surrender or take any other action it deems appropriate and reasonable.
7 Upon formal acceptance of the surrender of the license, Respondent Sayre will no longer be
8 subject to the terms and conditions of probation.

9 Upon acceptance of the surrender, respondent owner shall relinquish the premises and
10 renewal license to the board within ten (10) days of notification by the board that the surrender is
11 accepted. Respondent ~~Avnet~~^{Sayre} shall further submit a completed Discontinuance of Business form
12 according to board guidelines and shall notify the board of the records inventory transfer.

13 Respondent ~~Avnet~~^{Sayre} shall also, by the effective date of this decision, arrange for the
14 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written
15 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that
16 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating
17 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five
18 days of its provision to the pharmacy's ongoing patients, Respondent ~~Avnet~~^{Sayre} shall provide a copy
19 of the written notice to the board. For the purposes of this provision, "ongoing patients" means
20 those patients for whom the pharmacy has on file a prescription with one or more refills
21 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)
22 days.

23 Respondent ~~Avnet~~^{Sayre} may not apply for any new licensure from the board for three (3) years
24 from the effective date of the surrender. Respondent ~~Avnet~~^{Sayre} shall meet all requirements applicable
25 to the license sought as of the date the application for that license is submitted to the board.

26 Respondent ~~Avnet~~^{Sayre} further stipulates that ~~he or she~~^{it} shall reimburse the board for its costs of
27 investigation and prosecution prior to the acceptance of the surrender.

1 9. Notice to Employees. Respondent ^{Sayre}Avnet shall, upon or before the effective date of
2 this decision, ensure that all employees involved in permit operations are made aware of all the
3 terms and conditions of probation, either by posting a notice of the terms and conditions,
4 circulating such notice, or both. If the notice required by this provision is posted, it shall be
5 posted in a prominent place and shall remain posted throughout the probation period. Respondent
6 ^{Sayre}Avnet shall ensure that any employees hired or used after the effective date of this decision are
7 made aware of the terms and conditions of probation by posting a notice, circulating a notice, or
8 both. Additionally, Respondent ^{Sayre}Avnet shall submit written notification to the board, within
9 fifteen (15) days of the effective date of this decision, that this term has been satisfied. Failure to
10 submit such notification to the board shall be considered a violation of probation.

11 "Employees" as used in this provision includes all full-time, part-time, volunteer, temporary
12 and relief employees and independent contractors employed or hired at any time during
13 probation.

14 10. Owners and Officers: Knowledge of the Law. Respondent Sayre shall provide,
15 within thirty (30) days after the effective date of this decision, signed and dated statements from
16 its owners, including any owner or holder of ten percent (10%) or more of the interest in
17 Respondent Sayre or Respondent Sayre's stock, and any officer, stating under penalty of perjury
18 that said individuals have read and are familiar with state and federal laws and regulations
19 governing the practice of pharmacy. The failure to timely provide said statements under penalty
20 of perjury shall be considered a violation of probation.

21 11. Posted Notice of Probation. Respondent ^{Sayre}Avnet, shall prominently post a probation
22 notice provided by the Board in a place conspicuous and readable to the public. The probation
23 notice shall remain posted during the entire period of probation.

24 Respondent ^{Sayre}Avnet shall not, directly or indirectly, engage in any conduct or make any
25 statement which is intended to mislead or is likely to have the effect of misleading any patient,
26 customer, member of the public, or other person(s) as to the nature of and reason for the probation
27 of the licensed entity.

28 Failure to post such notice shall be considered a violation of probation.

1 12. Violation of Probation. If Respondent ^{Sayre} ~~Avnet~~ has not complied with any term or
2 condition of probation, the Board shall have continuing jurisdiction over Respondent Sayre
3 license and permit, then the Board shall take other action as deemed appropriate to treat the
4 failure to comply as a violation of probation, to terminate probation, and to impose the penalty
5 that was stayed.

6 If Respondent ^{Sayre} ~~Avnet~~ violates probation in any respect, the board, after giving Respondent
7 owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
8 order that was stayed. Notice and opportunity to be heard are not required for those provisions
9 stating that a violation thereof may lead to automatic termination of the stay and/or revocation of
10 the license. If a petition to revoke probation or an accusation is filed against respondent during
11 probation, the board shall have continuing jurisdiction and the period of probation shall be
12 automatically extended until the petition to revoke probation or accusation is heard and decided.

13 13. Reimbursement of Board Costs. Respondent Sayre shall reimburse the Board for its
14 costs of investigation and prosecution in the amount of Fifty Thousand Dollars (\$50,000.00). The
15 full amount shall be paid within forty eight (48) hours of the effective date of this decision.
16 Respondent Avnet and Respondent Sayre shall be jointly and severally liable for the full payment
17 of the cost of investigation and prosecution in this matter.

18 14. Payment of Civil Penalty. Respondent Sayre and Respondent Avnet further stipulate
19 that they are jointly and severally liable for the payment of a civil penalty in the amount of One
20 Hundred Ten Thousand Dollars (\$110,000.00) imposed by the Board of Pharmacy on Respondent
21 Sayre as part of a settlement of ^{First Amended} Accusation No. 3421. The full amount of the civil penalty shall
22 be paid within ninety days (90) of the effective date of this decision.

23 15. Respondent Sayre and Respondent Avnet understands and agree that such civil
24 penalties are administrative fines pursuant to 11 U.S.C. § 523(a)(7), and as such are not
25 dischargeable in bankruptcy. Respondent Sayre and Respondent Avnet further understand and
26 agree that the filing of bankruptcy shall not relieve Respondents of the obligation to pay the
27 balance of the civil penalties to the Board.
28

1 16. Respondent Sayre, shall make payment by cashier check or money order payable to
2 "Board of Pharmacy." Payment shall be mailed to Board of Pharmacy, 1625 North Market
3 Boulevard, Suite N219, Sacramento, CA 95834-1924 and indicate reference: "Sayre/Avnet, Case
4 No. 3421."

5 17. Failure to pay the full fine amount within the timeline indicated may result in further
6 license discipline, including the denial of the Respondent Sayre's application for renewal of its
7 permit license, and any other license issued to Respondent Sayre by the Board of Pharmacy.

8 18. Respondent Avnet and Respondent Sayre are jointly and severally liable for the above
9 civil penalties and costs. The total amount to be paid to the Board of Pharmacy as it relates to the
10 settlement of ^{First Amended} Accusation No. 3421, shall not exceed One Hundred Sixty Thousand Dollars
11 (\$160,000) .

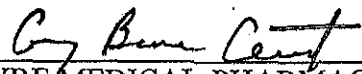
12 19. After the end of the six (6) month probation period or October 1, 2013, whichever
13 date occurs first, Respondent Gary Bruce Avnet shall be prohibited from owning or having any
14 ownership interest in any entity that owns or operates a pharmacy or any other entity that is
15 required to be licensed by the Board of Pharmacy. On or before the end of the six (6) month
16 probation period or October 1, 2013, whichever date occurs first, Respondent Gary Bruce Avnet
17 shall sell the corporation of Sayre Medical Pharmacy, Inc. or sell all assets ^{as it relates to the} of Sayre Medical ~~Phar~~
18 Pharmacy, Inc. and take no security interest in any of said assets in connection with the sale.

19 If Respondent Gary Bruce Avnet retains the corporation of Sayre Medical Pharmacy, Inc., after
20 the six (6) month probation period or October 1, 2013, whichever date occurs first, he shall
21 change the name of the corporation so that it no longer contains the terms "Medical" or
22 "Pharmacy." Within ten (10) days of any change in ownership, title, or holding in Sayre Medical
23 Pharmacy, Inc, Respondent Gary Bruce Avnet shall notify the Board in writing, under penalty of
24 perjury, of said changes. Whether or not the corporation or all of the corporation's assets are
25 disposed of through sale, transfer, or other means, on or before the end of the six (6) month
26 probation period or October 1, 2013, whichever date occurs first, the Respondent Sayre Medical
27 Pharmacy, Inc's pharmacy permit shall be permanently revoked, without further notice or formal
28 hearing.

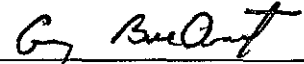
ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert Weinberg. I understand the stipulation and the effect it will have on my Permit No. PHY 18263. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: March 21, 2013

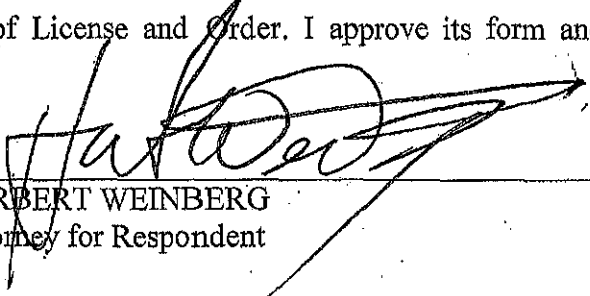

SAYRE MEDICAL PHARMACY, INC.
by GARY BRUCE AVNET
Respondent

DATED: March 21, 2013


GARY BRUCE AVNET
Respondent

I have read and fully discussed with Respondents the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: March 21, 2013


HERBERT WEINBERG
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order are hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: March 21, 2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



KRITHTHIKA VASUDEVAN
Deputy Attorney General
Attorneys for Complainant

SD2009702664/51263067.docx/3/21/2013

Exhibit A

Accusation No. 3421

Exhibit A

Accusation No. 3421

1 EDMUND G. BROWN JR.
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 ANTOINETTE B. CINCOTTA
Deputy Attorney General
4 State Bar No. 120482
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2095
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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12 In the Matter of the Accusation Against:

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FIRST AMENDED
ACCUSATION

15 **Permit No. PHY 18263**

16 **and**

17 **GARY BRUCE AVNET, RPH**
18 **17331 Labrador Street**
Northridge, CA 91325

19 **Pharmacist License No. RPH 25684,**

20 Respondents.

21
22 Complainant alleges:

23 **PARTIES**

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

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28 ///

1 2. On or about January 23, 1975, the Board of Pharmacy issued Permit Number
2 PHY 18263 to Sayre Medical Pharmacy, Inc. (Respondent Sayre). The permit was in full force
3 and effect at all times relevant to the charges brought herein and will expire on September 1,
4 2013, unless renewed. Gary Bruce Avnet, Pharmacist License Number RPH 25684, is the owner,
5 of and has been the president of Respondent Sayre since July 16, 1984, and is, and has been the
6 Pharmacist-In-Charge since July 16, 1984.

7 3. On or about August 6, 1968, the Board of Pharmacy issued Pharmacist License
8 Number RPH 25684 to Gary Bruce Avnet (Respondent Avnet). The Pharmacist License was in
9 full force and effect at all times relevant to the charges brought herein and will expire on January
10 31, 2013, unless renewed.

11 4. On or about November 6, 2001, the Board issued Wholesale Permit No. WLS 3993 to
12 Apex Medical Distributors, located at 28298 Constellation Road, Valencia, California 91355.
13 Wholesale Permit Number WLS 3993 expired on November 1, 2009 with Alexander Soliman
14 (EXC 16456) as the Designated Representative-in-Charge. Permit Number EXC 16456 expired
15 on December 1, 2009.

16 5. Cochran Wholesale Pharmaceuticals, Inc., located at 1304 South Broad Street, P.O.
17 Box 1170, Monroe, GA 30655, is not licensed by the Board, and was not licensed by the Board
18 at any time relevant herein. On October 15, 2001, the Georgia Secretary of State issued a
19 Wholesaler Permit to Cochran Wholesale Pharmaceuticals, Inc., which expired on June 30, 2009.

20 6. Drogueria Caballero Del Caribe, Inc., located at two locations: Calle 7 P20, Santa
21 Monica, Bayamon, Puerto Rico 00957 and P.O. Box 2839, Carolina Puerto Rico, is not licensed
22 by the Board, and was not licensed by the Board at any time relevant herein.

23 7. Drogueria De la Villa, located at Avenida De Diego, #17, Arcibo, Puerto Rico is not
24 licensed by the Board, and was not licensed by the Board at any time relevant herein.

25 8. E-tail Network, located at 1450 North Tustin Avenue, Ste. 202, Santa Ana, CA
26 92705 is not licensed by the Board, and was not licensed by the Board at any time relevant herein.
27 David Miller is the CEO of E-Tail Network.

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1 9. JJN Pharmaceutical, Inc., located at 963 Holmdel Road, Unit 4, Holmdel, NJ, is not
2 licensed by the Board, and was not licensed by the Board at any time relevant herein. The New
3 Jersey Department of Food and Drug Safety issued Wholesaler License Number 5003038 to JJN
4 Pharmaceutical, Inc. The license was deactivated on April 21, 2009 with a notation in the record
5 that the location was under investigation by the Federal Bureau of Investigation.

6 10. Matrix Distributors, Inc. is not licensed by the Board, and was not licensed by the
7 Board at any time relevant herein. In February 2001, the New Jersey Department of Food and
8 Drug Safety issued a Wholesaler License Number 5002849 to Matrix Distributors, Inc. The
9 license will expire on January 31, 2010.

10 11. Med X, Inc, located at 8220 Katella Avenue, Stanton, California, was issued
11 Wholesaler License Number WLS 4508 on January 10, 2005. That license expired on January 8,
12 2009 and is status 1, canceled. Vin Nguyen was the Designated Representative-in-Charge. That
13 license is status 1, cancelled.

14 12. Metro Medical Enterprises, located at 800 Sumner Street, Suite 401, Stamford,
15 Connecticut 06901, is not licensed by the Board, and was not licensed by the Board at any time
16 relevant herein. On November 3, 2005, the Drug Control Division of the Connecticut Department
17 of Consumer Protection issued Wholesale License Number 1772 to Metro Medical Enterprises.
18 The license was revoked on March 25, 2008.

19 13. Minnesota Independent Cooperative, located at 2535 Pilot Knob Road, St. 120,
20 Mendota heights, Minnesota, 55120, is not licensed by the Board, and was not licensed by the
21 Board at any time relevant herein. On February 8, 2006, the Minnesota Board of Pharmacy
22 issued Wholesaler License Number 361687, which will expire on May 31, 2013.

23 JURISDICTION

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

27 ///

28 ///

1 “(b) Suspending the licentiate's right to practice.

2 “(c) Placing the licentiate on probation.

3 “(d) Taking such other action in relation to the licentiate as the licensing agency in its
4 discretion deems proper.

5 “The licensing agency shall not reinstate a revoked or suspended certificate or license until
6 it has received competent evidence of the absence or control of the condition which caused its
7 action and until it is satisfied that with due regard for the public health and safety the person's
8 right to practice his or her profession may be safely reinstated.”

9 19. Section 4059, subdivision (a), of the Code states:

10 “(a) A person may not furnish any dangerous drug, except upon the prescription of a
11 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
12 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
13 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
14 3640.7.”

15 20. Section 4076, subdivision (a), of the Code states in relevant part:

16 “A pharmacist shall not dispense any prescription except in a container that meets the
17 requirements of state and federal law and is correctly labeled with all of the following:

18 “

19 “(11)(A) Commencing January 1, 2006, the physical description of the dispensed
20 medication, including its color, shape, and any identification code that appears on the tablets or
21 capsules”

22 21. Section 4081, subdivision (a), of the Code states:

23 “All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or
24 dangerous devices shall be at all times during business hours open to inspection by authorized
25 officers of the law, and shall be preserved for at least three years from the date of making. A
26 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-
27 animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
28 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,

1 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
2 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
3 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

4 22. Section 4105 of the Code states, in pertinent part:

5 “(a) All records or other documentation of the acquisition and disposition of dangerous
6 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed
7 premises in a readily retrievable form.

8 “(b) The licensee may remove the original records or documentation from the licensed
9 premises on a temporary basis for license-related purposes. However, a duplicate set of those
10 records or other documentation shall be retained on the licensed premises.

11 (c) The records required by this section shall be retained on the licensed premises for a
12 period of three years from the date of making.

13 “...”

14 23. Section 4169 of the Code states, in pertinent part:

15 “(a) A person or entity may not do any of the following:

16 “(1) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices at wholesale
17 with a person or entity that is not licensed with the board as a wholesaler or pharmacy.

18 “...”

19 24. Section 4301 of the Code states:

20 “The board shall take action against any holder of a license who is guilty of unprofessional
21 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

22 Unprofessional conduct shall include, but is not limited to, any of the following:

23 “...”

24 “(j) The violation of any of the statutes of this state, or any other state, or of the United
25 States regulating controlled substances and dangerous drugs.

26 “...”

27 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board or by any other state or federal regulatory agency.

3 "..."

4 25. Section 4324, subdivision (a) of the Code states, in pertinent part:

5 "(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,
6 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
7 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment
8 pursuant to subdivision (h) of Section 1170 of the Penal Code, or by imprisonment in a county
9 jail for not more than one year."

10 26. Section 4340 of the Code states, in pertinent part:

11 "(a) The board may institute any action or actions as may be provided by law and that, in its
12 discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not
13 conform to the standard and tests as to quality and strength, provided in the latest edition of the
14 United States Pharmacopoeia or the National Formulary, or that violate any provision of the
15 Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section 109875) of Division
16 104 of the Health and Safety Code).

17 "..."

18 27. Health and Safety Code Section 11170 states:

19 "No person shall prescribe, administer, or furnish a controlled substance for himself."

20 28. Health and Safety Code Section 111255 states, in pertinent part:

21 "Any drug or device is adulterated if it has been produced, prepared, packed, or held under
22 conditions whereby it may have been contaminated with filth, or whereby it may have been
23 rendered injurious to health."

24 29. Health and Safety Code Section 111295 states, in pertinent part:

25 "It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug
26 or device that is adulterated."

27 30. Health and Safety Code Section 111330 states:

28 "Any drug or device is misbranded if its labeling is false or misleading in any particular."

1 31. Health and Safety Code Section 111440 states, in pertinent part:

2 "It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug
3 or device that is misbranded."

4 **REGULATIONS**

5 32. California Code of Regulations, title 16, Section 1707 states, in pertinent part:

6 ". . . .

7 "(e) Notwithstanding any waiver granted pursuant to subdivision (a), all prescription
8 records for non controlled substances shall be maintained on the licensed premises for a period of
9 one year from the date of dispensing.

10 "(f) Notwithstanding any waiver granted pursuant to subdivision (a), all prescription
11 records for controlled substances shall be maintained on the licensed premises for a period of two
12 years from the date of dispensing.

13 ". . . ."

14 33. California Code of Regulations, title 16, Section 1714 states, in pertinent part:

15 ". . . .

16 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
17 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
18 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
19 of pharmacy.

20 "(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly
21 condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly
22 lighted. The pharmacy shall be equipped with a sink with hot and cold running water for
23 pharmaceutical purposes.

24 ". . . ."

25 34. California Code of Regulations, title 16, Section 1717, subdivision (c) states:

26 "(c) Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce
27 it to writing, and initial it, and identify it as an orally transmitted prescription. If the prescription
28 is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the

1 prescription to identify him or herself. All orally transmitted prescriptions shall be received and
2 transcribed by a pharmacist prior to compounding, filling, dispensing, or furnishing. Chart orders
3 as defined in section 4019 of the Business and Professions Code are not subject to the provisions
4 of this subsection.”

5 35. California Code of Regulations, title 16, Section 1718 states:

6 “Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions
7 Code shall be considered to include complete accountability for all dangerous drugs handled by
8 every licensee enumerated in Sections 4081 and 4332.

9 “The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
10 available for inspection upon request for at least 3 years after the date of the inventory.”

11 36. California Code of Regulations, title 16, Section 1761, subdivision (a) states:

12 “(a) No pharmacist shall compound or dispense any prescription which contains any
13 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
14 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
15 validate the prescription.”

16 COST RECOVERY

17 37. Section 125.3 of the Code states, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 DRUGS

22 38. The following drugs are referenced herein:

23 BRAND NAME	24 GENERIC NAME	25 DANGEROUS DRUG PER Code Section 4022	26 CONTROLLED SUBSTANCE PER Health and Safety Code (HSC)	27 INDICATION FOR USE
	Hydrocodone / Acetaminophen (APAP)	Yes	HSC 11056 (e)(4)	Pain
Oxycontin	Oxycodone	Yes	HSC 11055 (b)(1)(N)	Pain
ACTOplus	Pioglitazone /	Yes	No	Diabetes

1	met	Metformin			Mellitus
2	Acular	Ketorolac	Yes	No	Allergic conjunctivitis
3	Advair	Fluticasone / Salmeterol	Yes	No	Asthma
4	Vospire	Albuterol	Yes	No	Bronchospasm
5		Alprazolam	Yes	HSC 11057 (d)(1)	Anxiety
6	Altabax	Retapamulin	Yes	No	Impetigo
7	Adderall	Amphetamine / Dextroamphetamine	Yes	HSC 11055 (d)(1)	ADHD
8	Astelin	Azelastine	Yes	No	Allergic rhinitis
9	Avandamet	Metformin / Rosiglitazone	Yes	No	Diabetes Mellitus
10	Avandia	Rosiglitazone	Yes	No	Diabetes Mellitus
11		Azithromycin	Yes	No	Antibiotic
12		Baclofen	Yes	No	Spasticity
13		Benzonatate	Yes	No	Cough
14		Carisoprodol	Yes	No	Musculoskeletal pain
15		Cefaclor	Yes	No	Antibiotic
16		Cefadroxil	Yes	No	Antibiotic
17		Cefdinir	Yes	No	Antibiotic
18	Cialis	Tadalafil	Yes	No	ED
19		Ciprofloxin	Yes	No	Antibiotic
20		Clobetasol	Yes	No	Dermatoses
21		Clotrimazole	Yes	No	Candidiasis
22		Clonazepam	Yes	HSC 11057 (d)(7)	Anxiety
23	Cozaar	Losartan	Yes	No	HTN
24	Crestor	Rosuvastatin	Yes	No	Hypercholesterolemia
25		Cyclobenzaprine	Yes	No	Muscle Spasm
26	Cymbalta	Duloxetine	Yes	No	Depression
27		Desonide	Yes	No	Dermatoses
28	Detrol	Tolterodine	Yes	No	Overactive bladder
	Voltaren	Diclofenac	Yes	No	Pain
	Lomotil	Diphenoxylate / Atropine	Yes	HSC 11058 (c)(4)	Diarrhea
		Econazole	Yes	No	Tinea
		Estazolam	Yes	HSC 11057 (d)(10)	Anxiety
		Etodolac	Yes	No	Pain
		Fexofenadine	Yes	No	Allergic

1		Finasteride	Yes	No	rhinitis BPH
2		Fluconazole	Yes	No	Candidiasis
3	Floxin	Ofloxacin	Yes	No	Antibiotic
4	Flovent	Fluticasone	Yes	No	Asthma
5	Aerobid	Flunisolide	Yes	No	Asthma
6		Gabapentin	Yes	No	Herpetic neuralgia
7		Glipizide	Yes	No	Diabetes Mellitus
8		Glucagon	Yes	No	Hypoglyce mia
9	Humalog	Insulin	Yes	No	Diabetes Mellitus
10		Hydrocortisone	Yes	No	
11		Hydroxyzine	Yes	No	Anxiety
12		Hyoscyamine	Yes	No	GI Spasm
13	Januvia	Sitagliptin	Yes	No	Diabetes Mellitus
14	Prevacid	Lansoprazole	Yes	No	GERD
15	Levaquin	Levofloxacin	Yes	No	Antibiotic
16		Lidocaine	Yes	No	
17		Lidoderm	Yes	No	Herpetic neuralgia
18	Lipitor	Atorvastatin	Yes	No	Hypercholest erolemia
19	Lovaza	Omega 3 acid ethyl esters	Yes	No	Hypertriglyce ridemia
20	Lyrica	Pregabalin	Yes	CFR 1308.15 (e)(1)	Neuropathic pain
21	Lunesta	Eszopiclone	Yes	Yes (CIV)	Insomnia
22		Metformin	Yes	No	Diabetes Mellitus
23		Metronidazole	Yes	No	Antibiotic
24		Misoprostol	Yes	No	NSAID GI ulcer prevention
25	Nasonex	Mometasone	Yes	No	Asthma
26		Mupirocin	Yes	No	Impetigo
27		Nabumetone	Yes	No	Pain
28		Naproxen	Yes	No	Pain
29	Nexium	Esomeprazole	Yes	No	GERD
30	Niaspan	Niacin	Yes	No	Hypercholest erolemia
31	Novolog	Insulin	Yes	No	Diabetes Mellitus
32	Nystop	Nystatin	Yes	No	Candidiasis
33		Ondansetron	Yes	No	Nausea / vomiting prevention
34		Oxandrolone	Yes	No	Weight

1	Patanol	Olopatadine	Yes	No	gain Allergic conjunctivitis
2		Phenazopyridine	Yes	No	Dysuria
3		Prochlorperazine	Yes	No	Nausea / vomiting
4	Restatis	Cyclosporine	Yes	No	Ocular dryness
5	Restoril	Temazepam	Yes	HSC 11057 (d)(29)	Anxiety
6	Requip	Ropinirole	Yes	No	Parkinson's
7	Singulair	Montelukast	Yes	No	Asthma
8	Skelaxin	Metaxalone	Yes	No	Muscle spasm
9		Sucralfate	Yes	No	Duodenal ulcer
10		Triamcinolone	Yes	No	Dermatos es
11		Trimethobenzamide	Yes	No	Nausea / vomiting
12	Vesicare	Solifenacin	Yes	No	Overactive bladder
13	Viagra	Sildenafil	Yes	No	ED
14	Xopenex	Levalbuterol	Yes	No	Bronchos pasm
15	Xyzal	Levocetirizine	Yes	No	Allergic rhinitis
16		Zolpidem	Yes	HSC 11057 (d)(32)	Insomnia
17	Boniva	Ibandronate	Yes	No	Osteoporo sis
18	Amerge	Naratriptan	Yes	No	Migraine headache
19	Topamax	Topiramate	Yes	No	Migraine prophylaxis
20		Propanolol	Yes	No	Migraine prophylaxis
21	Zymar	Gatifloxacin	Yes	No	Conjuncti vitis
22	Lipram	Pancrelipase	Yes	No	
23	Retin A	Tretinoin	Yes	No	Acne vulgaris
24	Treximet	Sumatriptan / Naproxen	Yes	No	Migraine headache
25	///				
26	///				
27	///				
28	///				

1 FIRST CAUSE FOR DISCIPLINE

2 (Respondent Sayre: Unprofessional Conduct - Purchasing Dangerous Drugs
3 from an Unlicensed Entity)

4 39. Respondent Sayre is subject to disciplinary action under section 4301, subdivision
5 (o), for violating section 4169, subdivision (a)(1), for purchasing dangerous drugs from either an
6 unlicensed California non-resident wholesaler or an unlicensed California wholesale broker. The
7 circumstances are as follows:

8 40. Between December 4, 2007 and March 18, 2008, on 43 separate occasions,
9 Respondent Sayre purchased dangerous drugs from the
10 E-Tail Network, an unlicensed pharmaceutical broker, through its CEO David Miller, on behalf
11 of Apex Medical Distributor, as follows:

12 a. On or about December 4, 2007, Respondent purchased dangerous drugs at a
13 wholesale cost of \$6,626.19 per Invoice Number 62;

14 b. On or about December 5, 2007, Respondent purchased dangerous drugs at a
15 wholesale cost of \$4,913.87 per Invoice Number 63;

16 c. On or about December 5, 2007, Respondent purchased dangerous drugs at a
17 wholesale cost of \$6,042.60 per Invoice Number 64;

18 c. On or about December 11, 2007, Respondent purchased dangerous drugs at a
19 wholesale cost of \$3,695.35 per Invoice Number 65;

20 d. On or about December 11, 2007, Respondent purchased dangerous drugs at a
21 wholesale cost of \$3,740.51 per Invoice Number 66;

22 e. On or about December 18, 2007, Respondent purchased dangerous drugs at a
23 wholesale cost of \$9,051.39 per Invoice Number 68;

24 f. On or about December 18, 2007, Respondent purchased dangerous drugs at a
25 wholesale cost of \$14,011.28 per Invoice Number 69;

26 g. On or about December 18, 2007, Respondent purchased dangerous drugs at a
27 wholesale cost of \$1,630.63 per Invoice Number 70;

28 ///

- 1 h. On or about December 18, 2007, Respondent purchased dangerous drugs at a
2 wholesale cost of \$10,265.81 per Invoice Number 71;
- 3 i. On or about December 18, 2007, Respondent purchased dangerous drugs at a
4 wholesale cost of \$2,290.82 per Invoice Number 72;
- 5 j. On or about December 19, 2007, Respondent purchased dangerous drugs at a
6 wholesale cost of \$6,152.95 per Invoice Number 73;
- 7 k. On or about December 20, 2007, Respondent purchased dangerous drugs at a
8 wholesale cost of \$6,996.66 per Invoice Number 74;
- 9 l. On or about December 24, 2007, Respondent purchased dangerous drugs at a
10 wholesale cost of \$3,299.46 per Invoice Number 76;
- 11 m. On or about December 24, 2007, Respondent purchased dangerous drugs at a
12 wholesale cost of \$1,664.01 per Invoice Number 78;
- 13 n. On or about December 24, 2007, Respondent purchased dangerous drugs at a
14 wholesale cost of \$407.72 per Invoice Number 79;
- 15 o. On or about December 24, 2007, Respondent purchased dangerous drugs at a
16 wholesale cost of \$26,730.95 per Invoice Number 81;
- 17 p. On or about December 27, 2007, Respondent purchased dangerous drugs at a
18 wholesale cost of \$9,798.00 per Invoice Number 77;
- 19 q. On or about December 27, 2007, Respondent purchased dangerous drugs at a
20 wholesale cost of \$2,443.09 per Invoice Number 80;
- 21 r. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$15,995.49 per Invoice Number 84;
- 23 s. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$2,228.18 per Invoice Number 85;
- 25 t. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$3,835.10 per Invoice Number 86;
- 27 u. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$4,532.97 per Invoice Number 87;

- 1 v. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$3,152.76 per Invoice Number 89;
- 3 w. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$5,962.57 per Invoice Number 91;
- 5 x. On or about January 9, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$26,577.96 per Invoice Number 90;
- 7 y. On or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$703.41 per Invoice Number 92;
- 9 z. On or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$7,824.38 per Invoice Number 93;
- 11 aa. On or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1083.05 per Invoice Number 94;
- 13 bb. On or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$2,040.72 per Invoice Number 95;
- 15 cc. On or about January 22, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$1,053.82 per Invoice Number 96;
- 17 dd. On or about January 23, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$2,406.48 per Invoice Number 98;
- 19 ee. On or about January 24, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$4,004.81 per Invoice Number 99;
- 21 ff. On or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$3,861.96 per Invoice Number 103;
- 23 hh. On or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$1,939.53 per Invoice Number 104;
- 25 ii. On or about February 5, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$1,085.74 per Invoice Number 106;
- 27 jj. On or about February 7, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$4,880.49 per Invoice Number 107;

1 kk. On or about February 11, 2008, Respondent purchased dangerous drugs at a
2 wholesale cost of \$7,275.87 per Invoice Number 109;

3 ll. On or about February 12, 2008, Respondent purchased dangerous drugs at a
4 wholesale cost of \$877.89 per Invoice Number 108;

5 mm. On or about February 14, 2008, Respondent purchased dangerous drugs at a
6 wholesale cost of \$994.71 per Invoice Number 110;

7 nn. On or about February 21, 2008, Respondent purchased dangerous drugs at a
8 wholesale cost of \$1,302.90 per Invoice Number 112;

9 oo. On or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$7,777.02 per Invoice Number 114;

11 pp. On or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$479.97 per Invoice Number 115; and

13 qq. On or about March 18, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$6,292.25 per Invoice Number 117.

15 41. On or about April 2, 2008, Respondent Sayre purchased dangerous drugs at a
16 wholesale cost of \$570.79 from Cochran Wholesale Pharmaceuticals, an unlicensed
17 pharmaceutical wholesaler in Monroe, Georgia per Invoice Number 35671.

18 42. Between March 24, 2008 and July 22, 2008, on at least 16 separate occasions,
19 Respondent Sayre purchased dangerous drugs from Drogueria Caballero Del Caribe, an
20 unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:

21 a. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$204.28 per Invoice Number 1;

23 b. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$831.68 per Invoice Number 2;

25 c. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$1,445.26 per Invoice Number 3;

27 d. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$1,967.33 per Invoice Number 4;

1 e. On or about April 21, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$3,788.15 per Invoice Number 9;

3 f. On or about May 2, 2008, Respondent purchased dangerous drugs at a wholesale cost
4 of \$434.28 per Invoice Number 11;

5 g. On or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
6 of \$11,578.15 per Invoice Number 12;

7 h. On or about May 6, 2008, Respondent purchased dangerous drugs at a wholesale cost
8 of \$9,117.48 per Invoice Number 16;

9 i. On or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
10 of \$12,890.80 per Invoice Number 17;

11 j. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1,077.26 per Invoice Number 18;

13 k. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$2,656.48 per Invoice Number 19;

15 l. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$19,813.13 per Invoice Number 23;

17 m. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$8,546.43 per Invoice Number 24;

19 n. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$6,423.04 per Invoice Number 25;

21 o. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$1,662.61 per Invoice Number 26; and

23 p. On or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$11,118.92 per Invoice Number 48.

25 43. Between March 24, 2008 and July 29, 2008, on at least 33 separate occasions,
26 Respondent Sayre purchased dangerous drugs from Drogueria de La Villa, an unlicensed
27 pharmaceutical wholesaler in Puerto Rico, as follows:

28 ///

- 1 a. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$450.00 per Invoice Number 641215;
- 3 b. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$1,716.00 per Invoice Number 641216;
- 5 c. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$513.00 per Invoice Number 641221;
- 7 d. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$9,843.66 per Invoice Number 641461;
- 9 e. On or about March 25, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$253.82 per Invoice Number 641753;
- 11 f. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$386.67 per Invoice Number 642034;
- 13 g. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$508.80 per Invoice Number 642074;
- 15 h. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$1,472.40 per Invoice Number 642077;
- 17 i. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$666.50 per Invoice Number 642121;
- 19 j. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$1,039.04 per Invoice Number 642227;
- 21 k. On or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$32,259.46 per Invoice Number 642456;
- 23 l. On or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$1,837.36 per Invoice Number 642510;
- 25 m. On or about March 28, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$3,154.72 per Invoice Number 642691;
- 27 n. On or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
28 of \$16,881.81 per Invoice Number 651255;

- 1 o. On or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
2 of \$19,745.02 per Invoice Number 652470;
- 3 p. On or about May 13, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$9,222.18 per Invoice Number 653085;
- 5 q. On or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$1,221.12 per Invoice Number 653395;
- 7 r. On or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$301.80 per Invoice Number 653408;
- 9 s. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$12,108.27 per Invoice Number 654095;
- 11 t. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$378.00 per Invoice Number 654096;
- 13 u. On or about May 19, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$764.92 per Invoice Number 654456;
- 15 v. On or about May 20, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$7,620.73 per Invoice Number 654767;
- 17 w. On or about May 22, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$28,826.39 per Invoice Number 655380;
- 19 x. On or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$2,627.04 per Invoice Number 655636;
- 21 y. On or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$70.00 per Invoice Number 656637;
- 23 z. On or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$8,251.93 per Invoice Number 656021;
- 25 aa. On or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$11,826.24 per Invoice Number 656052;
- 27 bb. On or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$19,990.87 per Invoice Number 656088;

1 cc. On or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$570.55 per Invoice Number 656156;

3 dd. On or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$4,080.80 per Invoice Number 656470;

5 ee. On or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$10,944.48 per Invoice Number 668062; and

7 ff. On or about July 29, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$14,527.82 per Invoice Number 669639.

9 44. Between January 23, 2006 and September 15, 2006, on at least 11 separate occasions,
10 Respondent Sayre purchased dangerous drugs from the E-Tail Network, an unlicensed broker,
11 through Jeannette Couch, E-Tails's representative on behalf of ESP Services as follows:

12 a. On or about January 23, 2006, Respondent purchased dangerous drugs at a wholesale
13 cost of \$6,766.80 per Invoice Number 12306;

14 b. On or about February 12, 2006, Respondent purchased dangerous drugs at a
15 wholesale cost of \$3,908.88 per Invoice Number 12706;

16 c. On or about March 9, 2006, Respondent purchased dangerous drugs at a wholesale
17 cost of \$6,334.60 per Invoice Number 30906;

18 d. On or about May 4, 2006, Respondent purchased dangerous drugs at a wholesale cost
19 of \$30,655.80 per Invoice Number 1;

20 e. On or about May 10, 2006, Respondent purchased dangerous drugs at a wholesale
21 cost of \$56,685.93 per Invoice Number 2;

22 f. On or about May 17, 2006, Respondent purchased dangerous drugs at a wholesale
23 cost of \$26,999.47 per Invoice Number 3;

24 g. On or about August 21, 2006, Respondent purchased dangerous drugs at a wholesale
25 cost of \$881.70 per Invoice Number 23;

26 h. On or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
27 cost of \$13,458.07 per Invoice Number 24-A;

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1 i. On or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
2 cost of \$14,051.26 per Invoice Number 25-A;

3 j. On or about September 12, 2006, Respondent purchased dangerous drugs at a
4 wholesale cost of \$3,044.87 per Invoice Number 27; and

5 k. On or about September 15, 2006, Respondent purchased dangerous drugs at a
6 wholesale cost of \$1,094.16 per Invoice Number 30.

7 45. Between April 4, 2006 and April 27, 2006, on at least 5 separate occasions,
8 Respondent Sayre purchased dangerous drugs from JLN Pharmaceuticals, an unlicensed
9 wholesaler in Holmdel, New Jersey as follows:

10 a. On or about April 4, 2006, Respondent purchased dangerous drugs at a wholesale
11 cost of \$6,540.76 per Invoice Number 5200;

12 b. On or about April 5, 2006, Respondent purchased dangerous drugs at a wholesale
13 cost of \$13,035.56 per Invoice Number 5213;

14 c. On or about April 11, 2006, Respondent purchased dangerous drugs at a wholesale
15 cost of \$1,379.83 per Invoice Number 5261;

16 d. On or about April 13, 2006, Respondent purchased dangerous drugs at a wholesale
17 cost of \$1,598.05 per Invoice Number 5283; and

18 e. On or about April 27, 2006, Respondent purchased dangerous drugs at a wholesale
19 cost of \$3,982.93 per Invoice Number 5421.

20 46. Between January 27, 2006 and December 12, 2006, on at least 4 separate occasions,
21 Respondent Sayre purchased dangerous drugs from Matrix Distributors, an unlicensed wholesaler
22 in East Brunswick, New Jersey as follows:

23 a. On or about January 27, 2006, Respondent purchased dangerous drugs at a wholesale
24 cost of \$1,752.00 per Invoice Number 71041;

25 b. On or about October 30, 2006, Respondent purchased dangerous drugs at a wholesale
26 cost of \$2,600.00 per Invoice Number 84279;

27 c. On or about December 13, 2007, Respondent purchased dangerous drugs at a
28 wholesale cost of \$152.49 per Invoice Number 104302; and

1 d. On or about December 19, 2007, Respondent purchased dangerous drugs at a
2 wholesale cost of \$1,387.20 per Invoice Number 104588.

3 47. Between January 25, 2006 and March 30, 2007, on at least 31 separate occasions,
4 Respondent Sayre purchased dangerous drugs from the E-Tail Network, , an unlicensed broker
5 through David Miller and Jeannette Couch on behalf of Med X, as follows:

6 a. On or about January 25, 2006, Respondent purchased dangerous drugs at a wholesale
7 cost of \$12,590.22 per Invoice Number 667;

8 b. On or about May 26, 2006, Respondent purchased dangerous drugs at a wholesale
9 cost of \$1,483.83 per Invoice Number 1;

10 c. On or about May 31, 2006, Respondent purchased dangerous drugs at a wholesale
11 cost of \$46,673.62 per Invoice Number 2;

12 d. On or about September 5, 2006, Respondent purchased dangerous drugs at a
13 wholesale cost of \$2,480.04 per Invoice Number 48;

14 e. On or about September 7, 2006, Respondent purchased dangerous drugs at a
15 wholesale cost of \$7,283.06 per Invoice Number 51;

16 f. On or about September 12, 2006, Respondent purchased dangerous drugs at a
17 wholesale cost of \$2,209.40 per Invoice Number 52;

18 g. On or about September 12, 2006, Respondent purchased dangerous drugs at a
19 wholesale cost of \$5,442.97 per Invoice Number 53;

20 h. On or about September 18, 2006, Respondent purchased dangerous drugs at a
21 wholesale cost of \$346.89 per Invoice Number 55;

22 i. On or about September 19, 2006, Respondent purchased dangerous drugs at a
23 wholesale cost of \$1,298.61 per Invoice Number 56;

24 j. On or about September 19, 2006, Respondent purchased dangerous drugs at a
25 wholesale cost of \$221.52 per Invoice Number 57;

26 k. On or about September 19, 2006, Respondent purchased dangerous drugs at a
27 wholesale cost of \$155.48 per Invoice Number 58;

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- 1 l. On or about September 19, 2006, Respondent purchased dangerous drugs at a
2 wholesale cost of \$756.18 per Invoice Number 59;
- 3 m. On or about September 27, 2006, Respondent purchased dangerous drugs at a
4 wholesale cost of \$4,740.64 per Invoice Number 61;
- 5 n. On or about November 13, 2006, Respondent purchased dangerous drugs at a
6 wholesale cost of \$981.48 per Invoice Number 87;
- 7 o. On or about December 28, 2006, Respondent purchased dangerous drugs at a
8 wholesale cost of \$23,426.69 per Invoice Number 136;
- 9 p. On or about December 29, 2006, Respondent purchased dangerous drugs at a
10 wholesale cost of \$3,293.31 per Invoice Number 137;
- 11 q. On or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
12 cost of \$10,332.62 per Invoice Number 139;
- 13 r. On or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
14 cost of \$11,358.03 per Invoice Number 140;
- 15 s. On or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
16 cost of \$645.63 per Invoice Number 141;
- 17 t. On or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
18 cost of \$2,356.25 per Invoice Number 145;
- 19 u. On or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
20 cost of \$83,611.51 per Invoice Number 146;
- 21 v. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
22 cost of \$1,465.50 per Invoice Number 148;
- 23 w. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
24 cost of \$967.26 per Invoice Number 149;
- 25 x. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
26 cost of \$2,401.80 per Invoice Number 150;
- 27 y. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
28 cost of \$5,820.62 per Invoice Number 151;

1 z. On or about January 9, 2007, Respondent purchased dangerous drugs at a wholesale
2 cost of \$5,147.33 per Invoice Number 153-A;

3 aa. On or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
4 cost of \$1,749.87 per Invoice Number 154;

5 bb. On or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
6 cost of \$5,385.84 per Invoice Number 155;

7 cc. On or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
8 cost of \$9,798.42 per Invoice Number 235;

9 dd. On or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
10 cost of \$9,658.83 per Invoice Number 238; and

11 ee. On or about March 30, 2007, Respondent purchased dangerous drugs at a wholesale
12 cost of \$2,464.88 per Invoice Number 243.

13 48. On January 5, 2006, Respondent Sayre purchased dangerous drugs from Metro
14 Medical, an unlicensed wholesaler in Stamford, Connecticut per Invoice Number 520132.

15 49. On July 21, 2006, Respondent Sayre purchased dangerous drugs from Minnesota
16 Independent Corp (MIC), an unlicensed wholesaler in Mendota Heights, Minnesota per Invoice
17 Number 300.

18 50. Between December 7, 2005 and December 13, 2005, on at least 5 separate occasions,
19 Respondent Sayre purchased dangerous drugs from Wholesale Drug Corporation, an wholesaler,
20 in Portland, Oregon, as follows:

21 a. on or about December 7, 2005, Respondent purchased dangerous drugs at a wholesale
22 cost of \$35,114.87 per Invoice Number 540;

23 b. on or about December 8, 2005, Respondent purchased dangerous drugs at a wholesale
24 cost of \$11,320.72 per Invoice Number 545;

25 c. on or about December 8, 2005, Respondent purchased dangerous drugs at a wholesale
26 cost of \$6,180.76 per Invoice Number 548;

27 d. on or about December 9, 2005, Respondent purchased dangerous drugs at a wholesale
28 cost of \$15,873.30 per Invoice Number 553; and

1 e. On or about December 13, 2005, Respondent purchased dangerous drugs at a
2 wholesale cost of \$6,019.88 per Invoice Number 557.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Respondent Sayer: Unprofessional Conduct – Selling Misbranded Prescription Drugs)**

5 51. Respondent Sayre is subject to disciplinary action for unprofessional conduct under
6 section 4301, subdivision (j), in that Respondent held a misbranded drug for sale in violation of
7 Health and Safety Code sections 111330 and 111440. The circumstances are as follows:

8 52. On or about July 31, 2008, during an inspection of Respondent Sayre’s facilities, the
9 Board’s investigators discovered bulk containers with repackaged 28 units of Cephalexin 500mg
10 labeled repackaged by Rebel Distributions per Physician Partners with Rebel NDC Number
11 21895-317-28, Lot Number RL10500701 with expiration date of October 2008. Respondent
12 repackaged that item into bulk containers with the NDC Number 63304-0657-05 with the Lot
13 Number 179356, and an expiration date of August 2009.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Respondent Sayer: Unprofessional Conduct – Unclean Pharmacy)**

16 53. Respondent Sayre is subject to disciplinary action for unprofessional conduct under
17 Code section 4301, subdivision (o), in that Respondent maintained an unclean pharmacy in
18 violation of Health and Safety Code sections 111255, 111295, 4342, subdivision (a) and Code of
19 Regulations, title 16, section 1714, subdivisions (b) and (c). The circumstances are as follows:

20 54. On or about July 31, 2008, Respondent stored dangerous drugs on the floor and walls
21 of the pharmacy restroom, and on the floor of the pharmacy.

22 55. On or about August 21, 2008, Respondent stored dangerous drugs in the pharmacy
23 restroom.

24 56. On or about March 3, 2010, Respondent maintained and stored dangerous drugs and
25 controlled substances on the pharmacy’s floors, on the floor and walls within the pharmacy
26 restroom (next to the toilet and sink), and all around the pharmacy’s sink.

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1 FOURTH CAUSE FOR DISCIPLINE

2 **(Respondent Sayer: Unprofessional Conduct – Failure to Maintain Records)**

3 57. Respondent Sayre is subject to disciplinary action for unprofessional conduct under
4 Code section 4301, subdivision (o) for failing to maintain all records of acquisition and
5 disposition of dangerous drugs in violation of Code sections 4105, subdivisions (a) and (c), and
6 4081, subdivision (a), and California Code of Regulations, title 16, section 1707, subdivisions (e)
7 and (f). The circumstances are as follows:

8 58. On or about July 29, 2009, the Board received an anonymous complaint alleging
9 pharmacist Avnet was “crazy and into drugs.” The complainant stated during several visits to
10 Respondent’s residence, Respondent offered to give the complainant Oxycontin. The
11 complainant said “huge bottles of Hydrocodone 10’s with 500 tablets in the bottle” were seen in
12 the residence along with “other bottles with people’s name on them from his pharmacy and other
13 drugs too.” The complainant also said Respondent claimed there was a lot more in a locker.

14 59. On or about March 3, 2010, the Board’s investigators performed a routine inspection
15 of Respondent Sayre, and also followed up on the complaint investigation. The inspectors
16 reviewed the pharmacy’s drug inventory and records for compliance with all state and federal
17 laws and regulations pertaining to the practice of pharmacy. During the investigation,
18 Respondent Avnet advised the investigators that all the records concerning acquisition and
19 disposition by Respondent Sayre were stored at their storage facility off-site. Respondent Avnet
20 also stated that the pharmacy had approximately one month of records on-site, and additional
21 records were stored temporarily in the vehicle of Respondent Avnet’s wife.

22 FIFTH CAUSE FOR DISCIPLINE

23 **(Respondent Sayer: Unprofessional Conduct – Failure to Maintain Current Inventory)**

24 60. Respondent Sayre is subject to disciplinary action for unprofessional conduct under
25 Code section 4301, subdivision (o) for failing to maintain a current inventory of all controlled
26 substances and dangerous drugs in violation of Code section 4081, subdivision (a), and California
27 Code of Regulations, title 16, section 1718. The circumstances are as follows:

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61. From the last inventory on January 12, 2007 to February 1, 2009, a period of 25 months, Respondent Sayre could not account for the following controlled substance losses: approximately 15,263 dosage units of Hydrocodone/APAP 5mg/500mg; 17,370 dosage units of Hydrocodone/APAP 7.5 mg/750mg; 22,982 dosage units of Hydrocodone/APAP 10mg/325 mg; 18,684 dosage units of Hydrocodone/APAP 10mg/650 mg; 12 dosage units of Oxycontin 20mg, and 394 dosage units of Oxycontin 40mg, and 349 units of Oxycontin 80mg. These totals were calculated as follows:

DRUG	Count at Last Inventory 1/12/07 (close of business)	Purchases 1/13/07 to 2/1/09	Dispensed RXs 1/13/07 to 2/1/09	Expected On Hand Inventory	Count at Last Inventory 2/1/09 (close of business)	Variance-Number of Missing Drugs
HC/APAP 5/500	725	241153	214035	19360	12580	-15263
HC/APAP 7.5/750	400	252729	219759	24841	16000	-17370
HC/APAP 10/325	200	168534	141327	20373	4425	-22982
HC/APAP 10/650	640	52654	32355	20939	2255	-18684
Oxycontin 20	52	700	600	152	140	-12
Oxycontin 40	394	200	0	594	200	-394
Oxycontin 80	203	700	454	449	100	-349

SIXTH CAUSE FOR DISCIPLINE

(Respondent Sayer: Unprofessional Conduct – Improper Pharmacy Practices)

62. Respondent Sayre is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivisions (j) and (o) for failing to properly process receipt of orally transmitted prescriptions in violation of California Code of Regulations, title 16, section 1717, subdivision (c). The circumstances are as follows:

63. From about March 2008 to March 2010, Respondent Sayre received orally transmitted prescriptions for Respondent Avnet and Respondent's wife, which were not reduced to writing upon receipt or initialed.

SEVENTH CAUSE FOR DISCIPLINE

(Respondent Sayer: Unprofessional Conduct – Dispensing Erroneous Prescriptions)

64. Respondent Sayre is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o) for dispensing prescriptions which contained significant errors, omissions, irregularity, uncertainty, ambiguity, or alterations in violation of California Code of Regulations, title 16, section 1761, subdivision (a), in conjunction with Code section 4081, subdivision (a).

65. Between about March 19, 2008 and February 2010, Respondent Sayre dispensed prescriptions to Respondent Avnet with discrepancies in the dates and the prescribers, furnished prescriptions documented on Respondent Avnet's profile but not recorded on CURES reports and no prescription available for review, furnished controlled substance prescriptions documented on Respondent Avnet's profile and on CURES report, but no prescription document available for review, and furnished dangerous drug prescriptions documented on Respondent Avnet's profile but no prescription document available for review as follows:

DATE WRITTEN	DATE DISPENSED	RX #	MD	DRUG	COMMENTS
3/19/2009	3/19/2008	7067373	R. Titcher	levaquin 500	date written discrepancy
4/2/2009	4/2/2008	7071203	R. Titcher	clobetasol foam	date written discrepancy
4/2/2009	4/2/2008	7044520	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
4/2/2009	4/2/2008	7071207	R. Titcher	niaspan 500	date written discrepancy
4/2/2009	4/2/2008	7071350	R. Titcher	papaverine 150	date written discrepancy
4/2/2009	4/2/2008	7071348	R. Titcher	albuterol inh	date written discrepancy
4/2/2009	4/2/2008	7071349	R. Titcher	proctosert hc	date written discrepancy
5/24/2010	5/24/2008	7084024	R. Titcher	skelaxin 800	date written discrepancy
7/2/2009	7/2/2008	7092851	R. Titcher	proventil inh	date written discrepancy
7/2/2009	7/2/2008	7092853	R. Titcher	carisoprodol 350	date written discrepancy
8/13/2010	8/13/2008	7102339	R. Titcher	benzonatate 100	date written discrepancy
8/13/2010	8/30/2008	7106225	R. Titcher	trimethobenzamide 300	date written discrepancy
9/5/2008	9/5/2008	7107250	R. Titcher	singulair 10	rx not authorized by md titcher
9/5/2008	9/5/2008	7107250	R. Titcher	singulair 10	rx not authorized by md titcher
10/1/2008	10/1/2008	7113439	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
10/31/2008	10/31/2008	7120384	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
10/31/2008	10/31/2008	7120426	R. Titcher	detrol la 2	per oral order, md titcher prescribed but filled under md padour

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11/2/2008	11/7/2008	4468750	R. Titcher	promethazine vc codeine syrup	rx not authorized by md titcher
12/2/2008	12/2/2008	7127618	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
12/8/2008	12/8/2008	7129262	R. Titcher	detrol la 2	per oral order, md titcher prescribed but filled under md padour
10/8/2009	12/8/2008	7129248	R. Titcher	urea cream	date written discrepancy
10/8/2009	12/8/2008	7129238	R. Titcher	one touch ultra strips	date written discrepancy
10/8/2009	12/8/2008	7129235	R. Titcher	altabax ointment	date written discrepancy
10/8/2009	12/8/2008	7129250	R. Titcher	singulair 10	date written discrepancy
1/12/2009	1/14/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
2/14/2009	2/14/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
3/21/2009	3/21/2009	7141145	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
3/21/2009	3/21/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
4/21/2009	4/21/2009	7161547	R. Titcher	silver sulfa cream	per oral order, md titcher prescribed but filled under pac seely
5/29/2009	5/29/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
6/9/2009	6/9/2009	7141145	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
7/4/2009	7/4/2009	7178799	R. Titcher	silver sulfa cream	per oral order, md titcher prescribed but filled under pac seely
2/4/2009	8/12/2009	4477929	R. Titcher	zolpidem 10	date written discrepancy
8/8/2009	8/12/2009	7187625	R. Titcher	januvia 100	rx not authorized by md titcher
10/13/2009	10/13/2009	7187520	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
10/13/2009	10/13/2009	7201169	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
	12/11/2009	7215434	R. Titcher	triamcinolone dental	no date written on oral order
	12/11/2009	7215435	R. Titcher	proctosert hc	no date written on oral order
	12/11/2009	7215436	R. Titcher	prochlorperazine 5	no date written on oral order
	12/11/2009	7215437	R. Titcher	urea cream	no date written on oral order
	12/11/2009	7215443	R. Titcher	lipitor 40	no date written on oral order
1/2/2010	1/2/2010	7219918	R. Titcher	glucagon kit	rx not authorized by md titcher
1/2/2010	1/2/2010	7219918	R. Titcher	glucagon kit	rx not authorized by md titcher
2/1/2010	2/1/2010	7227037	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
	2/1/2010	4483344	R. Titcher	hc/apap 7.5/325	no date (yr) written on oral order
	2/1/2010		R. Titcher	tussiclear dh syrup	no date (yr) written on oral order; RX# unclear on script
	2/1/2010	4483316	R. Titcher	clonazepam 0.5	no date (yr) written on oral order
	2/1/2010	4483317	R. Titcher	zolpidem 10	no date (yr) written on oral order
9/2/2008	9/2/2008	7106394	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
10/3/2008	10/3/2008	7113816	R. Titcher	detrol la 2	per oral order, md titcher prescribed but filled under md padour
	8/12/2009	7187520	J. Padour	finasteride 5	no date written on oral order

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	8/12/2009	7187515	J. Padour	vesicare 5	no date written on oral order
7/10/2008	7/10/2008	7094635	R. Titcher	altabax ointment	per oral order, md titcher prescribed but filled under pac seely
6/19/2009	6/19/2009	7175346	R. Titcher	smx/tmp 800/160	per oral order, md titcher prescribed but filled under pac seely
11/19/2009	11/19/2009	7210389	R. Titcher	bpm pseudo 6/45	per oral order, md titcher prescribed but filled under pac seely
	11/10/2009	4480548	R. Titcher	zolpidem 10	on pt profile, no cures and no script
	11/20/2009	4480547	R. Titcher	clonazepam 0.5	on pt profile, no cures and no script
	4/2/2008	2228060	R. Titcher	amphetamine salt 20 (adderall)	on cures and pt profile, no script
	7/4/2009	2230383	R. Titcher	amphetamine salt 20 (adderall)	on cures and pt profile, no script
	9/5/2008	4466777	R. Titcher	hc/apap 10/325	on cures and pt profile, no script
	10/13/2009	4479732	R. Titcher	hc/apap 10/325	on cures and pt profile, no script
	4/7/2008	7072413	R. Titcher	lidocaine oint	on pt profile, no script
	6/2/2008	7085832	R. Titcher	cymbalta 60	on pt profile, no script
	6/2/2008	7085820	R. Titcher	patanol eye drops	on pt profile, no script
	6/2/2008	7085816	R. Titcher	nystatin	on pt profile, no script
	6/2/2008	7085815	R. Titcher	mupirocin oint	on pt profile, no script
	6/2/2008	7085808	R. Titcher	misoprostol 200	on pt profile, no script
	6/2/2008	7085806	R. Titcher	etodolac 400	on pt profile, no script
	6/2/2008	7085796	R. Titcher	phisohex cleanser	on pt profile, no script
	7/15/2008	7095641	R. Titcher	valtrex 500	on pt profile, no script
	8/20/2008	7104166	R. Titcher	levaquin 500	on pt profile, no script
	10/1/2008	7113415	R. Titcher	nasonex nasal spray	on pt profile, no script
	12/8/2008	7129054	R. Titcher	glipizide xl 10	on pt profile, no script
	1/14/2009	7137435	R. Titcher	xopenex hfa 45	on pt profile, no script
	1/14/2009	7137433	R. Titcher	one touch test strips	on pt profile, no script
	1/14/2009	7137432	R. Titcher	januvia 100	on pt profile, no script
	1/14/2009	7137431	R. Titcher	glipizide xl 10	on pt profile, no script
	1/14/2009	7137430	R. Titcher	acto/met 15/850	on pt profile, no script
	7/4/2009	7179623	R. Titcher	nystop	on pt profile, no script
	7/4/2009	7137437	R. Titcher	cozaar 50	on pt profile, no script
	10/13/2009	7201190	R. Titcher	niaspan 500	on pt profile, no script
	10/13/2009	7192968	R. Titcher	folbic	on pt profile, no script
	10/23/2009	7203649	R. Titcher	organ-l nr 200	on pt profile, no script
	10/23/2009	7203648	R. Titcher	amrix 30	on pt profile, no script
	10/23/2009	7203647	R. Titcher	cefaclor 500	on pt profile, no script
	1/2/2010	7219919	R. Titcher	altabax oint	on pt profile, no script
	2/1/2010	7227042	R. Titcher	lipitor 40	on pt profile, no script
	2/1/2010	2231514	R. Titcher	amphetamine salt 20 (adderall)	on pt profile, no script

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66. Between about March 3, 2008 and January 2010, Respondent Sayre dispensed prescriptions to Respondent Avnet's wife that were not authorized, and furnished prescriptions documented on Ms. Avnet's CURES report but not in her profile, and without a prescription document available for review as follows:

DATE DISPENSED	RX #	MD	DRUG	COMMENTS	AUTHORIZED
3/3/2008	4460951	R. Titcher	restoril 7.5	on cures, no script and not in pt profile	rx not authorized by md titcher
3/11/2008	4461195	R. Titcher	tussclear dh	on cures, no script and not in pt profile	Yes
3/11/2008	4461196	R. Titcher	propoxyphene n/apap 100/650	on cures, no script and not in pt profile	Yes
5/15/2008	4463347	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
5/15/2008	4463348	R. Titcher	tussclear dh	on cures, no script and not in pt profile	rx not authorized by md titcher
5/30/2008	4463766	R. Titcher	hc/apap 10/325	on cures, no script and not in pt profile	rx not authorized by md titcher
6/18/2008	4464353	R. Titcher	alprazolam 0.5	on cures, no script and not in pt profile	Yes
6/18/2008	4464355	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
6/18/2008	4464356	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
7/8/2008	4464947	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
7/8/2008	4464948	R. Titcher	hc/apap 10/325	on cures, no script and not in pt profile	rx not authorized by md titcher
1/14/2009	4471008	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
1/14/2009	4471009	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
4/28/2009	4474547	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
7/6/2009	4476730	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
7/6/2009	4476731	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
10/12/2009	4479688	R. Titcher	hc/apap 7.5/750	on cures, no script and not in pt profile	rx not authorized by md titcher
10/12/2009	4479689	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
12/12/2009	4481695	R. Titcher	aspirin/butalbital/caffeine	on cures, no script and not in pt profile	Yes
12/12/2009	4481898	R. Titcher	Unknown	on cures, no script and not in pt profile	

1	12/12/2009	4481696	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
2	12/12/2009	4481697	R. Titcher	tussiclear dh	on cures, no script and not in pt profile	Yes
3	1/6/2010	4482438	R. Titcher	butalbital compound	on cures, no script and not in pt profile	Yes

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5 67. The following charts summarize the significant errors, omissions, irregularity,
6 uncertainty, ambiguity, or alterations in the prescriptions dispensed by Respondent Sayre to
7 Respondent Avnet and Respondent Avnet's wife by prescription number and type of discrepancy:

8 Respondent Avnet	
9 Discrepancy	10 RX#s
11 Date (written/received)	7067373, 7071203, 7071207, 7071350, 7071348, 7071349, 7084024, 7092851, 7092853, 7102339, 7106225, 7129248, 7129238, 7129235, 7129250, 4477929, 7215434, 7215435, 7215436, 7215437, 7215443, 4483344, 4483316, 7783317, 7187520, & 7187515
12 Incorrect Prescriber (on RX label)	7044520, 7113439, 7120384, 7120426, 7127618, 7129262, 7137444, 7141145, 7161547, 7178799, 7187520, 7201159, 7227037, 7106394, 7113816, 7094635, 7175346, & 7210389
14 Forged RX	7107250, 4468750, 7187625, & 7219918
15 No RX (script)	4480548, 4480547, 2228060, 2230383, 4466777, 4479732, 7072413, 7085832, 7085820, 7085816, 7085815, 7085808, 7085806, 7085796, 7095641, 7104166, 7113415, 7129054, 7137435, 7137433, 7137432, 7137431, 7137430, 7170623, 7137437, 7201190, 7192968, 7203649, 7203648, 7203647, 7219919, 7227042, & 2231514

18 Respondent Avnet's Wife	
19 Discrepancy	20 RX#s
21 Forged RX	4460951, 4463348, 4463766, 4464948, & 4479688
22 No RX (script)	4460951, 4461195, 4461196, 4463347, 4463348, 4463766, 4464353, 4464355, 4464356, 4464947, 4464948, 4471008, 4471009, 4474547, 4476730, 4476731, 4479688, 4479689, 4481695, 4481698, 4487696, 4487697, & 4482438

23
24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Respondent Sayer: Unprofessional Conduct – Unlawful Possession of Dangerous Drugs)**

26 68. Respondent Sayre is subject to disciplinary action for unprofessional conduct under
27 Code section 4301, subdivision (o) for dispensing dangerous drugs without authorized
28

1 prescriptions in violation of Code section 4059, subdivision (a). The circumstances are as
2 follows:

3 69. From about March 2008 to March 2010, Respondent Sayre furnished the following
4 forged prescriptions to Respondent Avnet: RX Nos. 7107250; 4468750; 7187625; and 7219918.

5 70. From about March 2008 to March 2010, Respondent Sayre furnished the following
6 forged prescriptions to Respondent Avnet's wife: RX Nos. 4460951; 4463348; 4463766;
7 4464948; and 4479688.

8 **NINTH CAUSE FOR DISCIPLINE**

9 **(Respondent Sayer: Unprofessional Conduct – Repeatedly Dispensing Forged Prescriptions)**

10 71. Respondent Sayre is subject to disciplinary action for unprofessional conduct under
11 Code section 4301, subdivision (o) for dispensing forged prescriptions for dangerous drugs in
12 violation of Code section 4324, subdivision (a). The circumstances are as follows:

13 72. From about March 2008 to March 2010, Respondent repeatedly furnished to
14 Respondent Avnet prescriptions that were forged by Respondent Avnet, including: RX Nos.
15 7107250; 4468750; 7187625; and 7219918.

16 73. From about March 2008 to March 2010, Respondent repeatedly furnished to
17 Respondent Avnet's wife prescriptions that were forged by Respondent Avnet, including: RX
18 Nos. 4460951; 4463348; 4463766; 4464948; and 4479688.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Respondent Avnet: Unprofessional Conduct - Purchasing Dangerous Drugs from an**
21 **Unlicensed Entity)**

22 74. Respondent Avnet is subject to disciplinary action under Code section 4301,
23 subdivision (j), for violation of section 4169, subdivision (a)(1), as the Pharmacist-in-Charge, for
24 Respondent Sayre purchasing dangerous drugs from either an unlicensed California non-resident
25 wholesaler or an unlicensed California wholesale broker. The circumstances are as follows:

26 75. Between December 4, 2007 and March 18, 2008, on 43 separate occasions,
27 Respondent Sayre purchased dangerous drugs from the E-Tail Network, an unlicensed
28

1 pharmaceutical broker, through its CEO David Miller, on behalf of Apex Medical Distributor, as
2 follows:

3 a. On or about December 4, 2007, Respondent purchased dangerous drugs at a
4 wholesale cost of \$6,626.19 per Invoice Number 62;

5 b. On or about December 5, 2007, Respondent purchased dangerous drugs at a
6 wholesale cost of \$4,913.87 per Invoice Number 63;

7 c. On or about December 5, 2007, Respondent purchased dangerous drugs at a
8 wholesale cost of \$6,042.60 per Invoice Number 64;

9 c. On or about December 11, 2007, Respondent purchased dangerous drugs at a
10 wholesale cost of \$3,695.35 per Invoice Number 65;

11 d. On or about December 11, 2007, Respondent purchased dangerous drugs at a
12 wholesale cost of \$3,740.51 per Invoice Number 66;

13 e. On or about December 18, 2007, Respondent purchased dangerous drugs at a
14 wholesale cost of \$9,051.39 per Invoice Number 68;

15 f. On or about December 18, 2007, Respondent purchased dangerous drugs at a
16 wholesale cost of \$14,011.28 per Invoice Number 69;

17 g. On or about December 18, 2007, Respondent purchased dangerous drugs at a
18 wholesale cost of \$1,630.63 per Invoice Number 70;

19 h. On or about December 18, 2007, Respondent purchased dangerous drugs at a
20 wholesale cost of \$10,265.81 per Invoice Number 71;

21 i. On or about December 18, 2007, Respondent purchased dangerous drugs at a
22 wholesale cost of \$2,290.82 per Invoice Number 72;

23 j. On or about December 19, 2007, Respondent purchased dangerous drugs at a
24 wholesale cost of \$6,152.95 per Invoice Number 73;

25 k. On or about December 20, 2007, Respondent purchased dangerous drugs at a
26 wholesale cost of \$6,996.66 per Invoice Number 74;

27 l. On or about December 24, 2007, Respondent purchased dangerous drugs at a
28 wholesale cost of \$3,299.46 per Invoice Number 76;

- 1 m. On or about December 24, 2007, Respondent purchased dangerous drugs at a
2 wholesale cost of \$1,664.01 per Invoice Number 78;
- 3 n. On or about December 24, 2007, Respondent purchased dangerous drugs at a
4 wholesale cost of \$407.72 per Invoice Number 79;
- 5 o. On or about December 24, 2007, Respondent purchased dangerous drugs at a
6 wholesale cost of \$26,730.95 per Invoice Number 81;
- 7 p. On or about December 27, 2007, Respondent purchased dangerous drugs at a
8 wholesale cost of \$9,798.00 per Invoice Number 77;
- 9 q. On or about December 27, 2007, Respondent purchased dangerous drugs at a
10 wholesale cost of \$2,443.09 per Invoice Number 80;
- 11 r. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$15,995.49 per Invoice Number 84;
- 13 s. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$2,228.18 per Invoice Number 85;
- 15 t. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$3,835.10 per Invoice Number 86;
- 17 u. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$4,532.97 per Invoice Number 87;
- 19 v. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$3,152.76 per Invoice Number 89;
- 21 w. On or about January 8, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$5,962.57 per Invoice Number 91;
- 23 x. On or about January 9, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$26,577.96 per Invoice Number 90;
- 25 y. On or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$703.41 per Invoice Number 92;
- 27 z. On or about January 11, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$7,824.38 per Invoice Number 93;

- 1 aa. On or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$1083.05 per Invoice Number 94;
- 3 bb. On or about January 17, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$2,040.72 per Invoice Number 95;
- 5 cc. On or about January 22, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$1,053.82 per Invoice Number 96;
- 7 dd. On or about January 23, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$2,406.48 per Invoice Number 98;
- 9 ee. On or about January 24, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$4,004.81 per Invoice Number 99;
- 11 ff. On or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$3,861.96 per Invoice Number 103;
- 13 hh. On or about January 29, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$1,939.53 per Invoice Number 104;
- 15 ii. On or about February 5, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$1,085.74 per Invoice Number 106;
- 17 jj. On or about February 7, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$4,880.49 per Invoice Number 107;
- 19 kk. On or about February 11, 2008, Respondent purchased dangerous drugs at a
20 wholesale cost of \$7,275.87 per Invoice Number 109;
- 21 ll. On or about February 12, 2008, Respondent purchased dangerous drugs at a
22 wholesale cost of \$877.89 per Invoice Number 108;
- 23 mm. On or about February 14, 2008, Respondent purchased dangerous drugs at a
24 wholesale cost of \$994.71 per Invoice Number 110;
- 25 nn. On or about February 21, 2008, Respondent purchased dangerous drugs at a
26 wholesale cost of \$1,302.90 per Invoice Number 112;
- 27 oo. On or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$7,777.02 per Invoice Number 114;

1 pp. On or about March 10, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$479.97 per Invoice Number 115; and

3 qq. On or about March 18, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$6,292.25 per Invoice Number 117.

5 76. On or about April 2, 2008, Respondent Sayre purchased dangerous drugs at a
6 wholesale cost of \$570.79 from Cochran Wholesale Pharmaceuticals, an unlicensed
7 pharmaceutical wholesaler in Monroe, Georgia per Invoice Number 35671.

8 77. Between March 24, 2008 and July 22, 2008, on at least 16 separate occasions,
9 Respondent Sayre purchased dangerous drugs from Drogueria Caballero Del Caribe, an
10 unlicensed pharmaceutical wholesaler in Puerto Rico, as follows:

11 a. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$204.28 per Invoice Number 1;

13 b. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$831.68 per Invoice Number 2;

15 c. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$1,445.26 per Invoice Number 3;

17 d. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$1,967.33 per Invoice Number 4;

19 e. On or about April 21, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$3,788.15 per Invoice Number 9;

21 f. On or about May 2, 2008, Respondent purchased dangerous drugs at a wholesale cost
22 of \$434.28 per Invoice Number 11;

23 g. On or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
24 of \$11,578.15 per Invoice Number 12;

25 h. On or about May 6, 2008, Respondent purchased dangerous drugs at a wholesale cost
26 of \$9,117.48 per Invoice Number 16;

27 i. On or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
28 of \$12,890.80 per Invoice Number 17;

1 j. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$1,077.26 per Invoice Number 18;

3 k. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$2,656.48 per Invoice Number 19;

5 l. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$19,813.13 per Invoice Number 23;

7 m. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$8,546.43 per Invoice Number 24;

9 n. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$6,423.04 per Invoice Number 25;

11 o. On or about May 30, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1,662.61 per Invoice Number 26; and

13 p. On or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$11,118.92 per Invoice Number 48.

15 78. Between March 24, 2008 and July 29, 2008, on at least 33 separate occasions,
16 Respondent Sayre purchased dangerous drugs from Drogueria de La Villa, an unlicensed
17 pharmaceutical wholesaler in Puerto Rico, as follows:

18 a. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
19 cost of \$450.00 per Invoice Number 641215;

20 b. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
21 cost of \$1,716.00 per Invoice Number 641216;

22 c. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
23 cost of \$513.00 per Invoice Number 641221;

24 d. On or about March 24, 2008, Respondent purchased dangerous drugs at a wholesale
25 cost of \$9,843.66 per Invoice Number 641461;

26 e. On or about March 25, 2008, Respondent purchased dangerous drugs at a wholesale
27 cost of \$253.82 per Invoice Number 641753;

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- 1 f. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$386.67 per Invoice Number 642034;
- 3 g. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$508.80 per Invoice Number 642074;
- 5 h. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$1,472.40 per Invoice Number 642077;
- 7 i. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$666.50 per Invoice Number 642121;
- 9 j. On or about March 26, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$1,039.04 per Invoice Number 642227;
- 11 k. On or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$32,259.46 per Invoice Number 642456;
- 13 l. On or about March 27, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$1,837.36 per Invoice Number 642510;
- 15 m. On or about March 28, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$3,154.72 per Invoice Number 642691;
- 17 n. On or about May 5, 2008, Respondent purchased dangerous drugs at a wholesale cost
18 of \$16,881.81 per Invoice Number 651255;
- 19 o. On or about May 9, 2008, Respondent purchased dangerous drugs at a wholesale cost
20 of \$19,745.02 per Invoice Number 652470;
- 21 p. On or about May 13, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$9,222.18 per Invoice Number 653085;
- 23 q. On or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$1,221.12 per Invoice Number 653395;
- 25 r. On or about May 14, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$301.80 per Invoice Number 653408;
- 27 s. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
28 cost of \$12,108.27 per Invoice Number 654095;

1 t. On or about May 16, 2008, Respondent purchased dangerous drugs at a wholesale
2 cost of \$378.00 per Invoice Number 654096;

3 u. On or about May 19, 2008, Respondent purchased dangerous drugs at a wholesale
4 cost of \$764.92 per Invoice Number 654456;

5 v. On or about May 20, 2008, Respondent purchased dangerous drugs at a wholesale
6 cost of \$7,620.73 per Invoice Number 654767;

7 w. On or about May 22, 2008, Respondent purchased dangerous drugs at a wholesale
8 cost of \$28,826.39 per Invoice Number 655380;

9 x. On or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
10 cost of \$2,627.04 per Invoice Number 655636;

11 y. On or about May 23, 2008, Respondent purchased dangerous drugs at a wholesale
12 cost of \$70.00 per Invoice Number 656637;

13 z. On or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
14 cost of \$8,251.93 per Invoice Number 656021;

15 aa. On or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
16 cost of \$11,826.24 per Invoice Number 656052;

17 bb. On or about May 27, 2008, Respondent purchased dangerous drugs at a wholesale
18 cost of \$19,990.87 per Invoice Number 656088;

19 cc. On or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
20 cost of \$570.55 per Invoice Number 656156;

21 dd. On or about May 28, 2008, Respondent purchased dangerous drugs at a wholesale
22 cost of \$4,080.80 per Invoice Number 656470;

23 ee. On or about July 22, 2008, Respondent purchased dangerous drugs at a wholesale
24 cost of \$10,944.48 per Invoice Number 668062; and

25 ff. On or about July 29, 2008, Respondent purchased dangerous drugs at a wholesale
26 cost of \$14,527.82 per Invoice Number 669639.

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1 79. Between January 23, 2006 and September 15, 2006, on at least 11 separate occasions,
2 Respondent Sayre purchased dangerous drugs from the E-Tail Network, an unlicensed broker,
3 through Jeannette Couch on behalf of ESP Services as follows:

4 a. On or about January 23, 2006, Respondent purchased dangerous drugs at a wholesale
5 cost of \$6,766.80 per Invoice Number 12306;

6 b. On or about February 12, 2006, Respondent purchased dangerous drugs at a
7 wholesale cost of \$3,908.88 per Invoice Number 12706;

8 c. On or about March 9, 2006, Respondent purchased dangerous drugs at a wholesale
9 cost of \$6,334.60 per Invoice Number 30906;

10 d. On or about May 4, 2006, Respondent purchased dangerous drugs at a wholesale cost
11 of \$30,655.80 per Invoice Number 1;

12 e. On or about May 10, 2006, Respondent purchased dangerous drugs at a wholesale
13 cost of \$56,685.93 per Invoice Number 2;

14 f. On or about May 17, 2006, Respondent purchased dangerous drugs at a wholesale
15 cost of \$26,999.47 per Invoice Number 3;

16 g. On or about August 21, 2006, Respondent purchased dangerous drugs at a wholesale
17 cost of \$881.70 per Invoice Number 23;

18 h. On or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
19 cost of \$13,458.07 per Invoice Number 24-A;

20 i. On or about August 31, 2006, Respondent purchased dangerous drugs at a wholesale
21 cost of \$14,051.26 per Invoice Number 25-A;

22 j. On or about September 12, 2006, Respondent purchased dangerous drugs at a
23 wholesale cost of \$3,044.87 per Invoice Number 27; and

24 k. On or about September 15, 2006, Respondent purchased dangerous drugs at a
25 wholesale cost of \$1,094.16 per Invoice Number 30.

26 80. Between April 4, 2006 and April 27, 2006, on at least 5 separate occasions,
27 Respondent Sayre purchased dangerous drugs from JJN Pharmaceuticals, an unlicensed
28 wholesaler in Holmdel, New Jersey as follows:

1 a. On or about April 4, 2006, Respondent purchased dangerous drugs at a wholesale
2 cost of \$6,540.76 per Invoice Number 5200;

3 b. On or about April 5, 2006, Respondent purchased dangerous drugs at a wholesale
4 cost of \$13,035.56 per Invoice Number 5213;

5 c. On or about April 11, 2006, Respondent purchased dangerous drugs at a wholesale
6 cost of \$1,379.83 per Invoice Number 5261;

7 d. On or about April 13, 2006, Respondent purchased dangerous drugs at a wholesale
8 cost of \$1,598.05 per Invoice Number 5283; and

9 e. On or about April 27, 2006, Respondent purchased dangerous drugs at a wholesale
10 cost of \$3,982.93 per Invoice Number 5421.

11 81. Between January 27, 2006 and December 12, 2006, on at least 4 separate occasions,
12 Respondent Sayre purchased dangerous drugs from Matrix Distributors, an unlicensed wholesaler
13 in East Brunswick, New Jersey as follows:

14 a. On or about January 27, 2006, Respondent purchased dangerous drugs at a wholesale
15 cost of \$1,752.00 per Invoice Number 71041;

16 b. On or about October 30, 2006, Respondent purchased dangerous drugs at a wholesale
17 cost of \$2,600.00 per Invoice Number 84279;

18 c. On or about December 13, 2007, Respondent purchased dangerous drugs at a
19 wholesale cost of \$152.49 per Invoice Number 104302; and

20 d. On or about December 19, 2007, Respondent purchased dangerous drugs at a
21 wholesale cost of \$1,387.20 per Invoice Number 104588.

22 82. Between January 25, 2006 and March 30, 2007, on at least 31 separate occasions,
23 Respondent Sayre purchased dangerous drugs from the E-Tail Network, an unlicensed broker,
24 David Miller and Jeannette Couch on behalf of Med X, as follows:

25 a. On or about January 25, 2006, Respondent purchased dangerous drugs at a wholesale
26 cost of \$12,590.22 per Invoice Number 667;

27 b. On or about May 26, 2006, Respondent purchased dangerous drugs at a wholesale
28 cost of \$1,483.83 per Invoice Number 1;

- 1 c. On or about May 31, 2006, Respondent purchased dangerous drugs at a wholesale
2 cost of \$46,673.62 per Invoice Number 2;
- 3 d. On or about September 5, 2006, Respondent purchased dangerous drugs at a
4 wholesale cost of \$2,480.04 per Invoice Number 48;
- 5 e. On or about September 7, 2006, Respondent purchased dangerous drugs at a
6 wholesale cost of \$7,283.06 per Invoice Number 51;
- 7 f. On or about September 12, 2006, Respondent purchased dangerous drugs at a
8 wholesale cost of \$2,209.40 per Invoice Number 52;
- 9 g. On or about September 12, 2006, Respondent purchased dangerous drugs at a
10 wholesale cost of \$5,442.97 per Invoice Number 53;
- 11 h. On or about September 18, 2006, Respondent purchased dangerous drugs at a
12 wholesale cost of \$346.89 per Invoice Number 55;
- 13 i. On or about September 19, 2006, Respondent purchased dangerous drugs at a
14 wholesale cost of \$1,298.61 per Invoice Number 56;
- 15 j. On or about September 19, 2006, Respondent purchased dangerous drugs at a
16 wholesale cost of \$221.52 per Invoice Number 57;
- 17 k. On or about September 19, 2006, Respondent purchased dangerous drugs at a
18 wholesale cost of \$155.48 per Invoice Number 58;
- 19 l. On or about September 19, 2006, Respondent purchased dangerous drugs at a
20 wholesale cost of \$756.18 per Invoice Number 59;
- 21 m. On or about September 27, 2006, Respondent purchased dangerous drugs at a
22 wholesale cost of \$4,740.64 per Invoice Number 61;
- 23 n. On or about November 13, 2006, Respondent purchased dangerous drugs at a
24 wholesale cost of \$981.48 per Invoice Number 87;
- 25 o. On or about December 28, 2006, Respondent purchased dangerous drugs at a
26 wholesale cost of \$23,426.69 per Invoice Number 136;
- 27 p. On or about December 29, 2006, Respondent purchased dangerous drugs at a
28 wholesale cost of \$3,293.31 per Invoice Number 137;

- 1 q. On or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
2 cost of \$10,332.62 per Invoice Number 139;
- 3 r. On or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
4 cost of \$11,358.03 per Invoice Number 140;
- 5 s. On or about January 4, 2007, Respondent purchased dangerous drugs at a wholesale
6 cost of \$645.63 per Invoice Number 141;
- 7 t. On or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
8 cost of \$2,356.25 per Invoice Number 145;
- 9 u. On or about January 5, 2007, Respondent purchased dangerous drugs at a wholesale
10 cost of \$83,611.51 per Invoice Number 146;
- 11 v. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
12 cost of \$1,465.50 per Invoice Number 148;
- 13 w. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
14 cost of \$967.26 per Invoice Number 149;
- 15 x. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
16 cost of \$2,401.80 per Invoice Number 150;
- 17 y. On or about January 8, 2007, Respondent purchased dangerous drugs at a wholesale
18 cost of \$5,820.62 per Invoice Number 151;
- 19 z. On or about January 9, 2007, Respondent purchased dangerous drugs at a wholesale
20 cost of \$5,147.33 per Invoice Number 153-A;
- 21 aa. On or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
22 cost of \$1,749.87 per Invoice Number 154;
- 23 bb. On or about January 10, 2007, Respondent purchased dangerous drugs at a wholesale
24 cost of \$5,385.84 per Invoice Number 155;
- 25 cc. On or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
26 cost of \$9,798.42 per Invoice Number 235;
- 27 dd. On or about March 28, 2007, Respondent purchased dangerous drugs at a wholesale
28 cost of \$9,658.83 per Invoice Number 238; and

1 ee. On or about March 30, 2007, Respondent purchased dangerous drugs at a wholesale
2 cost of \$2,464.88 per Invoice Number 243.

3 83. On January 5, 2006, Respondent Sayre purchased dangerous drugs from Metro
4 Medical, an unlicensed wholesaler in Stamford, Connecticut per Invoice Number 520132.

5 84. On July 21, 2006, Respondent Sayre purchased dangerous drugs from Minnesota
6 Independent Corp (MIC), an unlicensed wholesaler in Mendota Heights, Minnesota per Invoice
7 Number 300.

8 85. Between December 7, 2005 and December 13, 2005, on at least 5 separate occasions,
9 Respondent Sayre purchased dangerous drugs from Wholesale Drug Corporation, a wholesaler in
10 Portland, Oregon, as follows:

11 a. On or about December 7, 2005, Respondent purchased dangerous drugs at a
12 wholesale cost of \$35,114.87 per Invoice Number 540;

13 b. On or about December 8, 2005, Respondent purchased dangerous drugs at a
14 wholesale cost of \$11,320.72 per Invoice Number 545;

15 c. On or about December 8, 2005, Respondent purchased dangerous drugs at a
16 wholesale cost of \$6,180.76 per Invoice Number 548;

17 d. On or about December 9, 2005, Respondent purchased dangerous drugs at a
18 wholesale cost of \$15,873.30 per Invoice Number 553; and

19 e. On or about December 13, 2005, Respondent purchased dangerous drugs at a
20 wholesale cost of \$6,019.88 per Invoice Number 557.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Respondent Avnet: Unprofessional Conduct – Selling Misbranded Prescription Drugs)**

23 86. Respondent Avnet is subject to disciplinary action under section 4301, subdivision
24 (j), as Pharmacist-in-Charge, in that Respondent Sayre held misbranded drugs for sale in violation
25 of Health and Safety Code sections 111330 and 111440. The circumstances are as follows:

26 87. On or about July 31, 2008, during an inspection of Respondent's facilities, while
27 Respondent Avnet was the Pharmacist-in-Charge, the Board's investigators discovered bulk
28 containers with repackaged 28 size units of Cephalexin 500mg labeled repackaged by Rebel

1 Distributions per Physician Partners with Rebel NDC Number 21895-317-28, Lot Number
2 RL10500701 with expiration date of October 2008. Respondent repackaged that item into bulk
3 containers with the NDC Number 63304-0657-05 with the Lot Number 179356, and an expiration
4 date of August 2009.

5 **TWELFTH CAUSE FOR DISCIPLINE**

6 **(Respondent Avnet: Unprofessional Conduct – Unclean Pharmacy)**

7 88. Respondent Avnet is subject to disciplinary action for unprofessional conduct under
8 Code section 4301, subdivision (o), in that Respondent maintained an unclean and disorderly
9 pharmacy in violation of Code sections 111255, 111295, 4342, and California Code of
10 Regulations, title 16, section 1714, subdivisions (b) and (c). The circumstances are as follows:

11 89. On or about July 31, 2008, Respondent stored dangerous drugs on the floor and walls
12 of the pharmacy restroom, and on the floor of the pharmacy.

13 90. On or about August 21, 2008, Respondent stored dangerous drugs in the pharmacy
14 restroom.

15 91. On or about March 3, 2010, Respondent maintained and stored dangerous drugs and
16 controlled substances on the pharmacy's floors, on the floor and walls within the pharmacy
17 restroom (next to the toilet and sink), and all around the pharmacy's sink.

18 **THIRTEENTH CAUSE FOR DISCIPLINE**

19 **(Respondent Avnet: Unprofessional Conduct – Failure to Maintain Records)**

20 92. Respondent Avnet is subject to disciplinary action for unprofessional conduct under
21 Code section 4301, subdivision (o) for failing to maintain all records of acquisition and
22 disposition of dangerous drugs in violation of Code sections 4105, subdivisions (a) and (c), and
23 4081, subdivision (a), and California Code of Regulations, title 16, section 1707, subdivisions (e)
24 and (f). The circumstances are as follows:

25 93. On or about July 29, 2009, the Board received an anonymous complaint alleging
26 pharmacist Avnet was "crazy and into drugs." The complainant stated during several visits to
27 Respondent's residence, Respondent offered to give the complainant Oxycontin. The
28 complainant said "huge bottles of Hydrocodone 10's with 500 tablets in the bottle" were seen in

1 the residence along with "other bottles with people's names on them from his pharmacy and other
2 drugs too." The complainant also said Respondent claimed there was a lot more in a locker.

3 94. On or about March 3, 2010, the Board's investigators performed a routine inspection
4 of Respondent Sayre Medical Pharmacy, and also followed up on the complaint investigation.
5 The inspectors reviewed the pharmacy's drug inventory and records for compliance with all state
6 and federal laws and regulations pertaining to the practice of pharmacy. Respondent Avnet
7 advised the investigators that all the records concerning acquisition and disposition by
8 Respondent Sayre Medical Pharmacy were stored at their storage facility off-site. Respondent
9 Avnet also stated that the pharmacy had approximately one month of records on-site.
10 Additionally, records were stored temporarily in the vehicle of Respondent Avnet's wife.

11 **FOURTEENTH CAUSE FOR DISCIPLINE**

12 **(Respondent Avnet: Unprofessional Conduct – Failure to Maintain Current Inventory)**

13 95. Respondent Avnet is subject to disciplinary action for unprofessional conduct under
14 Code section 4301, subdivision (o) for failing to maintain a current inventory of all controlled
15 substances and dangerous drugs in violation of Code section 4081, subdivision (a), and California
16 Code of Regulations, title 16, section 1718. The circumstances are as follows:

17 96. From the last inventory on January 12, 2007 to February 1, 2009, a period of 25
18 months, Respondent could not account for the following controlled substance losses:
19 approximately 15,263 dosage units of Hydrocodone/APAP 5mg/500mg; 17,370 dosage units of
20 Hydrocodone/APAP 7.5 mg/750mg; 22,982 dosage units of Hydrocodone/APAP 10mg/325 mg;
21 18, 684 dosage units of Hydrocodone/APAP 10mg/650 mg; 12 dosage units of Oxycontin 20mg,
22 and 394 dosage units of Oxycontin 40mg, and 349 units of Oxycontin 80mg. These totals were
23 calculated as follows:

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DRUG	Count at Last Inventory 1/12/07 (close of business)	Purchases 1/13/07 to 2/1/09	Dispensed RXs 1/13/07 to 2/1/09	Expected On Hand Inventory	Count at Last Inventory 2/1/09 (close of business)	Variance- Number of Missing Drugs
HC/APAP 5/500	725	241153	214035	19360	12580	-15263
HC/APAP 7.5/750	400	252729	219759	24841	16000	-17370
HC/APAP 10/325	200	168534	141327	20373	4425	-22982
HC/APAP 10/650	640	52654	32355	20939	2255	-18684
Oxycontin 20	52	700	600	152	140	-12
Oxycontin 40	394	200	0	594	200	-394
Oxycontin 80	203	700	454	449	100	-349

FIFTEENTH CAUSE FOR DISCIPLINE

(Respondent Avnet: Unprofessional Conduct – Improper Pharmacy Practices)

97. Respondent Avnet is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o) for failing to properly process receipt of orally transmitted prescriptions in violation of California Code of Regulations, title 16, section 1717, subdivision (c). The circumstances are as follows:

98. From about March 2008 to March 2010, Respondent received orally transmitted prescriptions for himself and Respondent Avnet's wife, which were not reduced to writing upon receipt or initialed.

SIXTEENTH CAUSE FOR DISCIPLINE

(Respondent Avnet: Unprofessional Conduct – Dispensing Erroneous Prescriptions)

99. Respondent Avnet is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivisions (j) and (o) for dispensing prescriptions which were forged or contained significant errors, omissions, irregularity, uncertainty, ambiguity, or alterations in violation of California Code of Regulations, title 16, section 1761, subdivision (a), in conjunction with Code section 4081, subdivision (a).

100. Between about March 19, 2008 and February 2010, Respondent Avnet dispensed prescriptions to himself with discrepancies in the dates and the prescribers, furnished prescriptions documented on Respondent Avnet's profile but not recorded on CURES reports and no prescription available for review, furnished controlled substance prescriptions documented on Respondent Avnet's profile and on CURES report, but no prescription document available for review, and furnished dangerous drug prescriptions documented on Respondent Avnet's profile but no prescription document available for review as follows:

DATE WRITTEN	DATE DISPENSED	RX #	MD	DRUG	COMMENTS
3/19/2009	3/19/2008	7067373	R. Titcher	levaquin 500	date written discrepancy
4/2/2009	4/2/2008	7071203	R. Titcher	clobetasol foam	date written discrepancy
4/2/2009	4/2/2008	7044520	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
4/2/2009	4/2/2008	7071207	R. Titcher	niaspan 500	date written discrepancy
4/2/2009	4/2/2008	7071350	R. Titcher	papaverine 150	date written discrepancy
4/2/2009	4/2/2008	7071348	R. Titcher	albuterol inh	date written discrepancy
4/2/2009	4/2/2008	7071349	R. Titcher	proctosert hc	date written discrepancy
5/24/2010	5/24/2008	7084024	R. Titcher	skelaxin 800	date written discrepancy
7/2/2009	7/2/2008	7092851	R. Titcher	proventil inh	date written discrepancy
7/2/2009	7/2/2008	7092853	R. Titcher	carisoprodol 350	date written discrepancy
8/13/2010	8/13/2008	7102339	R. Titcher	benzonatate 100	date written discrepancy
8/13/2010	8/30/2008	7106225	R. Titcher	trimethobenzamide 300	date written discrepancy
9/5/2008	9/5/2008	7107250	R. Titcher	singulair 10	rx not authorized by md titcher
9/5/2008	9/5/2008	7107250	R. Titcher	singulair 10	rx not authorized by md titcher
10/1/2008	10/1/2008	7113439	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
10/31/2008	10/31/2008	7120384	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
10/31/2008	10/31/2008	7120426	R. Titcher	detrol la 2	per oral order, md titcher prescribed but filled under md padour
11/2/2008	11/7/2008	4468750	R. Titcher	promethazine vc codeine syrup	rx not authorized by md titcher
12/2/2008	12/2/2008	7127618	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
12/8/2008	12/8/2008	7129262	R. Titcher	detrol la 2	per oral order, md titcher prescribed but filled under md padour
10/8/2009	12/8/2008	7129248	R. Titcher	urea cream	date written discrepancy
10/8/2009	12/8/2008	7129238	R. Titcher	one touch ultra strips	date written discrepancy
10/8/2009	12/8/2008	7129235	R. Titcher	altabax ointment	date written discrepancy
10/8/2009	12/8/2008	7129250	R. Titcher	singulair 10	date written discrepancy
1/12/2009	1/14/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
2/14/2009	2/14/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled

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3/21/2009	3/21/2009	7141145	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
3/21/2009	3/21/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
4/21/2009	4/21/2009	7161547	R. Titcher	silver sulfa cream	per oral order, md titcher prescribed but filled under pac seely
5/29/2009	5/29/2009	7137444	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
6/9/2009	6/9/2009	7141145	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
7/4/2009	7/4/2009	7178799	R. Titcher	silver sulfa cream	per oral order, md titcher prescribed but filled under pac seely
2/4/2009	8/12/2009	4477929	R. Titcher	zolpidem 10	date written discrepancy
8/8/2009	8/12/2009	7187625	R. Titcher	januvia 100	rx not authorized by md titcher
10/13/2009	10/13/2009	7187520	R. Titcher	finasteride 5	per oral order, md titcher prescribed but filled under md padour
10/13/2009	10/13/2009	7201159	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
	12/11/2009	7215434	R. Titcher	triamcinolone dental	no date written on oral order
	12/11/2009	7215435	R. Titcher	proctosert hc	no date written on oral order
	12/11/2009	7215436	R. Titcher	prochlorperazine 5	no date written on oral order
	12/11/2009	7215437	R. Titcher	urea cream	no date written on oral order
	12/11/2009	7215443	R. Titcher	lipitor 40	no date written on oral order
1/2/2010	1/2/2010	7219918	R. Titcher	glucagon kit	rx not authorized by md titcher
1/2/2010	1/2/2010	7219918	R. Titcher	glucagon kit	rx not authorized by md titcher
2/1/2010	2/1/2010	7227037	R. Titcher	vesicare 5	per oral order, md titcher prescribed but filled under md padour
	2/1/2010	4483344	R. Titcher	hc/apap 7.5/325	no date (yr) written on oral order
	2/1/2010		R. Titcher	tussiclear dh syrup	no date (yr) written on oral order; RX# unclear on script
	2/1/2010	4483316	R. Titcher	clonazepam 0.5	no date (yr) written on oral order
	2/1/2010	4483317	R. Titcher	zolpidem 10	no date (yr) written on oral order
9/2/2008	9/2/2008	7106394	R. Titcher	januvia 100	per oral order, md titcher prescribed but filled under md padour
10/3/2008	10/3/2008	7113816	R. Titcher	detrol la 2	per oral order, md titcher prescribed but filled under md padour
	8/12/2009	7187520	J. Padour	finasteride 5	no date written on oral order
	8/12/2009	7187515	J. Padour	vesicare 5	no date written on oral order
7/10/2008	7/10/2008	7094635	R. Titcher	altabax ointment	per oral order, md titcher prescribed but filled under pac seely
6/19/2009	6/19/2009	7175346	R. Titcher	smx/tmp 800/160	per oral order, md titcher prescribed but filled under pac seely
11/19/2009	11/19/2009	7210389	R. Titcher	bpm pseudo 6/45	per oral order, md titcher prescribed but filled under pac seely
	11/10/2009	4480548	R. Titcher	zolpidem 10	on pt profile, no cures and no script
	11/20/2009	4480547	R. Titcher	clonazepam 0.5	on pt profile, no cures and no script
	4/2/2008	2228060	R. Titcher	amphetamine salt 20 (adderall)	on cures and pt profile, no script
	7/4/2009	2230383	R. Titcher	amphetamine salt 20 (adderall)	on cures and pt profile, no script
	9/5/2008	4466777	R. Titcher	hc/apap 10/325	on cures and pt profile, no script

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	10/13/2009	4479732	R. Titcher	hc/apap 10/325	on cures and pt profile, no script
	4/7/2008	7072413	R. Titcher	lidocaine oint	on pt profile, no script
	6/2/2008	7085832	R. Titcher	cymbalta 60	on pt profile, no script
	6/2/2008	7085820	R. Titcher	patanol eye drops	on pt profile, no script
	6/2/2008	7085816	R. Titcher	nystatin	on pt profile, no script
	6/2/2008	7085815	R. Titcher	mupirocin oint	on pt profile, no script
	6/2/2008	7085808	R. Titcher	misoprostol 200	on pt profile, no script
	6/2/2008	7085806	R. Titcher	etodolac 400	on pt profile, no script
	6/2/2008	7085796	R. Titcher	phisohex cleanser	on pt profile, no script
	7/15/2008	7095641	R. Titcher	valtrex 500	on pt profile, no script
	8/20/2008	7104168	R. Titcher	levaquin 500	on pt profile, no script
	10/1/2008	7113415	R. Titcher	nasonex nasal spray	on pt profile, no script
	12/8/2008	7129054	R. Titcher	glipizide xl 10	on pt profile, no script
	1/14/2009	7137435	R. Titcher	xopenex hfa 45	on pt profile, no script
	1/14/2009	7137433	R. Titcher	one touch test strips	on pt profile, no script
	1/14/2009	7137432	R. Titcher	januvia 100	on pt profile, no script
	1/14/2009	7137431	R. Titcher	glipizide xl 10	on pt profile, no script
	1/14/2009	7137430	R. Titcher	acto/met 15/850	on pt profile, no script
	7/4/2009	7170623	R. Titcher	nystop	on pt profile, no script
	7/4/2009	7137437	R. Titcher	cozaar 50	on pt profile, no script
	10/13/2009	7201190	R. Titcher	niaspan 500	on pt profile, no script
	10/13/2009	7192968	R. Titcher	foibic	on pt profile, no script
	10/23/2009	7203649	R. Titcher	organ-l nr 200	on pt profile, no script
	10/23/2009	7203648	R. Titcher	amrix 30	on pt profile, no script
	10/23/2009	7203647	R. Titcher	cefaclor 500	on pt profile, no script
	1/2/2010	7219919	R. Titcher	altabax oint	on pt profile, no script
	2/1/2010	7227042	R. Titcher	lipitor 40	on pt profile, no script
	2/1/2010	2231514	R. Titcher	amphetamine salt 20 (adderall)	on pt profile, no script

101. Between about March 3, 2008 and January 2010, Respondent Avnet dispensed prescriptions to Respondent Avnet's wife that were not authorized, and furnished prescriptions documented on Mrs. Avnet's CURES report but not in her profile, and without a prescription document available for review as follows:

DATE DISPENSED	RX #	MD	DRUG	COMMENTS	AUTHORIZED
3/3/2008	4460951	R. Titcher	restoril 7.5	on cures, no script and not in pt profile	rx not authorized by md titcher
3/11/2008	4461195	R. Titcher	tussiclear dh	on cures, no script and not in pt profile	Yes
3/11/2008	4461196	R. Titcher	propoxyphene n/apap 100/650	on cures, no script and not in pt profile	Yes

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5/15/2008	4463347	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
5/15/2008	4463348	R. Titcher	tussiclear dh	on cures, no script and not in pt profile	rx not authorized by md titcher
5/30/2008	4463766	R. Titcher	hc/apap 10/325	on cures, no script and not in pt profile	rx not authorized by md titcher
6/18/2008	4464353	R. Titcher	alprazolam 0.5	on cures, no script and not in pt profile	Yes
6/18/2008	4464355	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
6/18/2008	4464356	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
7/8/2008	4464947	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
7/8/2008	4464948	R. Titcher	hc/apap 10/325	on cures, no script and not in pt profile	rx not authorized by md titcher
1/14/2009	4471008	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
1/14/2009	4471009	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
4/28/2009	4474547	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
7/6/2009	4476730	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
7/6/2009	4476731	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
10/12/2009	4479688	R. Titcher	hc/apap 7.5/750	on cures, no script and not in pt profile	rx not authorized by md titcher
10/12/2009	4479689	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
12/12/2009	4481695	R. Titcher	aspirin/butalbital/caffeine	on cures, no script and not in pt profile	Yes
12/12/2009	4481698	R. Titcher	Unknown	on cures, no script and not in pt profile	
12/12/2009	4481696	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
12/12/2009	4481697	R. Titcher	tussiclear dh	on cures, no script and not in pt profile	Yes
1/6/2010	4482438	R. Titcher	butalbital compound	on cures, no script and not in pt profile	Yes

102. The following chart summarizes the significant errors, omissions, irregularity, uncertainty, ambiguity, or alterations in the prescriptions dispensed by Respondent Avnet by prescription number and type of discrepancy:

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Respondent Avnet	
Discrepancy	RX#s
Date (written/received)	7067373, 7071203, 7071207, 7071350, 7071348, 7071349, 7084024, 7092851, 7092853, 7102339, 7106225, 7129248, 7129238, 7129235, 7129250, 4477929, 7215434, 7215435, 7215436, 7215437, 7215443, 4483344, 4483316, 7783317, 7187520, & 7187515
Incorrect Prescriber (on RX label)	7044520, 7113439, 7120384, 7120426, 7127618, 7129262, 7137444, 7141145, 7161547, 7178799, 7187520, 7201159, 7227037, 7106394, 7113816, 7094635, 7175346, & 7210389
Forged RX	7107250, 4468750, 7187625, & 7219918
No RX (script)	4480548, 4480547, 2228060, 2230383, 4466777, 4479732, 7072413, 7085832, 7085820, 7085816, 7085815, 7085808, 7085806, 7085796, 7095641, 7104166, 7113415, 7129054, 7137435, 7137433, 7137432, 7137431, 7137430, 7170623, 7137437, 7201190, 7192968, 7203649, 7203648, 7203647, 7219919, 7227042, & 2231514

Respondent Avnet's Wife	
Discrepancy	RX#s
Forged RX	4460951, 4463348, 4463766, 4464948, & 4479688
No RX (script)	4460951, 4461195, 4461196, 4463347, 4463348, 4463766, 4464353, 4464355, 4464356, 4464947, 4464948, 4471008, 4471009, 4474547, 4476730, 4476731, 4479688, 4479689, 4481695, 4481698, 4487696, 4487697, & 4482438

SEVENTEENTH CAUSE FOR DISCIPLINE

(Respondent Avnet: Unprofessional Conduct – Unlawful Possession of Dangerous Drugs)

103. Respondent Avnet is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o) for dispensing dangerous drugs without authorized prescriptions in violation of Code section 4059, subdivision (a). The circumstances are as follows:

104. From about March 2008 to March 2010, Respondent Sayre furnished the following forged prescriptions to Respondent Avnet: RX Nos. 7107250; 4468750; 7187625; and 7219918.

105. From about March 2008 to March 2010, Respondent Sayre furnished the following forged prescriptions to Respondent's wife: RX Nos. 4460951; 4463348; 4463766; 4464948; and 4479688.

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1 EIGHTEENTH CAUSE FOR DISCIPLINE

2 **(Respondent Avnet: Unprofessional Conduct – Furnishing Controlled Substances for Self)**

3 106. Respondent Avnet is subject to disciplinary action for unprofessional conduct under
4 Code section 4301, subdivisions (j) and (o) for furnishing controlled substances for himself in
5 violation of Health and Safety Code section 11170. The circumstances are as follows:

6 107. From about March 2008 to March 2010, while working at Respondent Sayre,
7 Respondent as pharmacist-in-charge and owner, furnished the following controlled substances to
8 himself: Prescription Nos. 4473401, 4459513, 4480550, 4481666, 2228195, 2228340, 2228484,
9 2228653, 2228878, 2229177, 2229368, 2229577, 2229780, 2229991, 2230180, 2230602,
10 2230919, 2231079, 2231296, 2231514, 4462013, 4463872, 4466041, 4467584, 4469548,
11 4471011, 4473324, 4477938, 4478638, 4479735, 4482334, 4483316, 4476508, 4476729,
12 4472457, 4473303, 4462010, 4462966, 4463876, 4467586, 4468517, 4469801, 4470613,
13 4472035, 4473304, 4474349, 4475573, 4476725, 4477940, 4478640, 4480549, 4481661,
14 4464767, 4466044, 4483344, 4466868, 4467587, 4468521, 4469802, 4481631, 4464768,
15 4477684, 4478421, 4461263, 4462011, 4463873, 4464895, 4466775, 4468515, 4471012,
16 4472034, 4473537, 4475915, 4476726, 4477939, 4478639, 4464769, 4466776, 4470612,
17 4472033, 4473912, 4475571, 4467585, 4468518, 4469800, 4461194, 4462961, 4465390,
18 4466343, 4482335, 4483315, 4461511, 4479168, 4482796, 4461992, 4462965, 4463877,
19 4465158, 4466043, 4467583, 4468519, 4469547, 4476727, 4477929, 4478637, 4479734,
20 4482333 and 4483317.

21 NINETEENTH CAUSE FOR DISCIPLINE

22 **(Respondent Avnet: Unprofessional Conduct – Repeatedly Forging Prescriptions and**
23 **Dispensing Forged Prescriptions)**

24 108. Respondent Avnet is subject to disciplinary action for unprofessional conduct under
25 Code section 4301, subdivision (o) for repeatedly forging prescriptions and dispensing forged
26 prescriptions in violation of Code section 4324, subdivision (a) and Health and Safety Code
27 section 11170. The circumstances are as follows:

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1 109. From about March 2008 to March 2010, Respondent Avnet repeatedly forged
2 prescriptions, and then dispensed the forged prescriptions to himself, including: RX Nos.
3 7107250; 4468750; 7187625; and 7219918.

4 110. From about March 2008 to March 2010, Respondent Avnet repeatedly forged
5 prescriptions, and then dispensed the forged prescriptions to Respondent Avnet wife, including:
6 RX Nos. 4460951; 4463348; 4463766; 4464948; and 4479688.

7 **TWENTIETH CAUSE FOR DISCIPLINE**

8 **(Respondents Sayre and Avnet: Unprofessional Conduct – Incorrect Prescription Labeling)**

9 111. Respondents are subject to disciplinary action for unprofessional conduct under Code
10 section 4301, subdivision (o) for violation of section 4076, subdivision (a)(11)(a) in failing to
11 dispense prescriptions in a container that meets the requirements of the state and federal laws, and
12 is correctly labeled with the physical description of the dispensed medication, including its color,
13 shape, and any identification code that appears on the tablets or capsules. The circumstances are
14 as follows:

15 112. On April 18, 2012, during a routine follow-up investigation with Respondent present
16 as the pharmacist-in-charge, investigators from the Board reviewed the prescriptions on the will
17 call shelves, and found 3 bags out of 10 contained the wrong tablet/capsule ID printed on the
18 prescription container label. The description on the labels did not match the drugs in the
19 container. The mislabeled containers were:

20 RX 7422079 – Wrong color

21 RX 7422080 – Wrong number

22 RX 7407589 – Wrong number, and wrong manufacturer

23 RX 7422995 – Wrong number, and wrong color

24 RX 7422993 – Wrong color, and wrong number

25 113. During the April 18, 2012 inspection, one of the Board's investigators started to
26 review the pre-counted drugs in bins, and found one pre-counted bin of Levothyroxine 0.05 with
27 a non-matching lot number to the corresponding lot number on the stock container. When the
28 investor asked Respondent to compare the two numbers and explain the difference, he was

1 confused and did not see any difference. Respondent was unable to locate the lot number on his
2 pre-counted labels. When a pharmacy technician prompted Respondent to look at the NDC
3 number on the left side of the label, Respondent became more confused, and became agitated, and
4 then blurted out "what do you want me to do?" The inspector told Respondent that the lot
5 numbers were different as the result of an error, but Respondent did not appear to understand.

6 114. During the April 18, 2012 inspection, an investigator found the Respondent Sayre's
7 inventory contained many drugs with short dating although the expiration dates were printed
8 boldly on the containers. The inspector also found expired drugs on the shelves.

9 115. During the April 18, 2012 inspection, an inspector found one open container of
10 Metformin 850mg on the shelf which was labeled for 1000 tablets, but appeared to contain more.
11 The investigator had the on duty pharmacist use the pharmacy's counter to count the tablets, and
12 found that there were 1,072 tablets of Metformin 850 in that container. When questioned,
13 Respondent did not have an explanation as to the discrepancy, and seemed confused.

14 TWENTY-FIRST CAUSE FOR DISCIPLINE

15 **(Respondent Avnet: Unprofessional Conduct – Unsafe to Practice)**

16 116. Respondent Avnet is subject to disciplinary action for unprofessional conduct under
17 Code section 822 as his ability to practice his profession safely is impaired because Respondent is
18 mentally ill or physically ill affecting his competency, as set forth in paragraphs 74 to 115 which
19 are incorporated here by this reference. The circumstances are as follows:

20 117. Norco is a narcotic analgesic with a high potential for addiction. Amphetamine is a
21 central nervous system stimulant, and is also highly addictive. Respondent has ingested
22 quantities of Norco and Amphetamine on a regular (daily) basis for long periods of time. The
23 amounts consumed have the potential to: (a) impair Respondent's ability to function safely as a
24 pharmacist and/or the pharmacist-in-charge of Sayre Medical Pharmacy, Inc.; (b) impair
25 Respondent's physical and/or psychological function; and/or (c) lead to addiction.

26 118. The Board's investigation substantiated the loss of controlled substances of
27 approximately 74,000 dosage units of hydrocodone bitartate/acetaminophen, and 700 dosage
28 units of OxyContin from Respondent Sayre while Respondent was pharmacist-in-charge and

1 owner. Respondent was uncertain if this shortage was the result of an accounting problem or a
2 real loss.

3 119. Respondent held misbranded drugs for sale.

4 120. Between July 31, 2008 and March 3, 2010, Respondent maintained an unclean and
5 disorderly pharmacy, storing dangerous drugs on the floor and walls of the pharmacy restroom,
6 and on the floor of the pharmacy.

7 121. From about March 2008 to March 2010, Respondent received orally transmitted
8 prescriptions for himself and his wife, which were not reduced to writing upon receipt or initialed.

9 122. From about March 2008 to March 2010, Respondent forged prescriptions and then
10 furnished the forged prescriptions to himself and his wife.

11 123. From about March 2008 to March 2010, Respondent repeatedly dispensed
12 prescriptions to himself and his wife which contained significant errors, omissions, irregularities,
13 or alterations.

14 124. From about March 2008 to March 2010, while working at Respondent Sayre,
15 Respondent as pharmacist-in-charge and owner, furnished controlled substances to himself.

16 125. On or about October 17, 2011, Respondent submitted to a psychiatric examination
17 pursuant to an order by the Board to determine his competency. The examining physician
18 reviewed CURES reports for Respondent and his wife, the Petition for an Order to Compel
19 Examination, the medical records from Respondent's treating physician, the report by
20 Respondent's physician dated September 24, 2011, and the records from Respondent's physical
21 therapist. Additionally, the examining physician administered MMPI testing.

22 126. Respondent admitted during the examination that he first started using amphetamines
23 in 2005 after Respondent told his treating physician that he had suffered from ADD as a child,
24 and that he was experiencing trouble concentrating. Respondent continued taking amphetamines
25 until about three weeks prior to the Board's ordered psychiatric examination when he stated that
26 he stopped because of the Board's inquiry into his competency. Respondent stated during the
27 examination that he started using hydrocodone in 2005 due to back problems. The CURES
28 records indicate that Respondent continued to use narcotic analgesics into 2010. Respondent

1 used excessive amounts of amphetamine and narcotic analgesics over a prolonged period of time
2 without a legitimate medical purpose for such treatment.

3 127. Respondent suffered a nervous breakdown in 1985, and came under the care of a
4 psychiatrist. He was placed on Xanax (a benzodiazepine) at that time. At a later time, his Xanax
5 prescription was changed to Klonopin (a benzodiazepine). In 1992, Respondent was still on
6 Klonopin, and he continues to take Klonopin daily.

7 128. During the mental status examination by the Board's physician, Respondent's ability
8 to perform even simple mathematical calculations was found to be impaired. The ability to
9 perform mathematical calculations is critical to the daily duties and responsibilities of a
10 pharmacist. Respondent's judgment and insight were also poor. The physician's primary
11 diagnostic impression was that Respondent had cognitive impairment and depression. These
12 areas of cognitive impairment are particularly important to Respondent's work as a pharmacist,
13 and render him unsafe to practice his profession.

14 129. On April 18, 2012, with Respondent Avnet as the pharmacist-in-charge, 3 bags
15 out of 10 on Respondent Sayre's will-call shelf had the wrong tablet/capsule ID printed on the
16 prescription container label. The description on the labels did not match the drugs in the
17 container. Respondent became confused and could not see a difference when asked to explain
18 why one pre-counted bin of Levothyroxine 0.05 had a non-matching lot number to the
19 corresponding lot number on the stock container. Respondent was unable to locate the lot
20 number on his pre-counted labels. Respondent Sayre's inventory contained many drugs with
21 short dating, and expired drugs.

22 130. During the April 18, 2012 inspection, an inspector found one open container of
23 Metformin 850mg on the shelf which was labeled for 1000 tablets, but appeared to contain more.
24 The investigator had the on duty pharmacist use the pharmacy's counter to count the tablets, and
25 found that there were 1,072 tablets of Metformin 850 in that container. When questioned,
26 Respondent did not have an explanation as to the discrepancy, and seemed confused.

27 ///

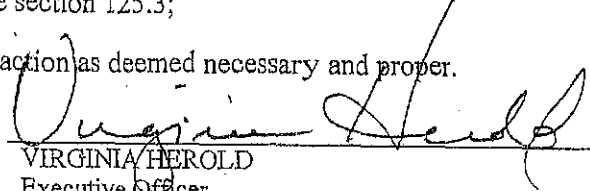
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PRAYER

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 Number Permit Number PHY 18263 issued to Sayre Medical Pharmacy, Inc.;
2. Revoking or suspending Pharmacist License RPH 25684 issued to Gary Bruce Avnet;
3. Ordering Respondents Gary Bruce Avnet and Sayre Medical Pharmacy, Inc. 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: 8/3/12



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