

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

In the Matter of the Accusation Against:

Case No. 3421

**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

**AS TO RESPONDENT**

**GARY BRUCE AVNET ONLY**

Respondent.

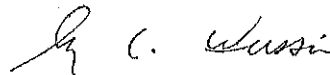
**DECISION AND ORDER**

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

This decision shall become effective on 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  
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7

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

12 In the Matter of the Accusation Against:

Case No. 3421

13 **SAYRE MEDICAL PHARMACY, INC.;**  
14124 Foothill Blvd.  
15 Sylmar, CA 91342  
16 **Permit No. PHY 18263**

OAH No. 2010060039

**STIPULATED SURRENDER OF LICENSE  
AND DISCIPLINARY ORDER FOR  
RESPONDENT GARY BRUCE AVNET**

17 **AND**

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

Respondents.

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

4           3. On or about August 6, 1968, the Board of Pharmacy issued Pharmacist License  
5 Number RPH 25684 to Respondent Avnet. The pharmacist license was in full force and effect at  
6 all times relevant to the charges brought in Accusation No. 3421 and will expire on January 31,  
7 2015, unless renewed.

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

11           5. On or about January 23, 1975, the Board of Pharmacy issued Permit Number PHY  
12 18263 to Respondent Sayre. The permit was in full force and effect at all times relevant to the  
13 charges brought herein and will expire on September 1, 2013, unless renewed.

14   **JURISDICTION**

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

20   **ADVISEMENT AND WAIVERS**

21           7. Respondent Avnet has carefully read and fully understands the charges and  
22 allegations in the Accusation No. 3421.

23           8. Respondent Avnet has carefully read and fully understands the effects of this  
24 Stipulated Surrender of License and Disciplinary Order.

25           9. Respondent Avnet is fully aware of his legal rights in this matter, including the right  
26 to a hearing on the charges and allegations in the Accusation No. 3421; the right to be represented  
27 by counsel, at his own expense; the right to confront and cross-examine the witnesses against  
28 him; the right to present evidence and to testify on his own behalf; the right to the issuance of

1 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
2 reconsideration and court review of an adverse decision; and all other rights accorded by the  
3 California Administrative Procedure Act and other applicable laws.

4 10. Respondent Avnet voluntarily, knowingly, and intelligently waives and gives up each  
5 and every right set forth above.

6 **CULPABILITY**

7 11. Respondent Avnet admits the truth of each and every charge and allegation in  
8 *First Amended.* Accusation No. 3421.

9 12. Respondent Avnet agrees that his license is subject to discipline and agrees to be  
10 bound by the discipline imposed by the Board of Pharmacy as set forth in the Disciplinary Order  
11 below.

12 13. Respondent Avnet hereby agrees to surrender Pharmacist License No. 25684 for the  
13 Board of Pharmacy's formal acceptance.

14 14. Respondent Avnet understands that by signing this stipulation he enables the Board to  
15 issue an order accepting the surrender of his Pharmacist License No. 25684 without further  
16 process or formal court hearing.

17 **RESERVATION**

18 15. The admissions made in this Stipulated Surrender of License and Disciplinary Order  
19 by Respondent Avnet are only for the purposes of this proceeding, or any other proceedings in  
20 which the Board of Pharmacy or other professional licensing agency is involved. The admissions  
21 made in this Stipulated Surrender of License and Disciplinary Order by Respondent Avnet shall  
22 not be admissible in any other criminal or civil proceeding.

23  
24 **CONTINGENCY**

25 16. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
26 Avnet understands and agrees that counsel for Complainant and the staff of the Board of  
27 Pharmacy may communicate directly with the Board regarding this stipulation and surrender,  
28 without notice to or participation by Respondent Avnet or his counsel. By signing the stipulation,

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

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

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

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

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Pharmacist License No. RPH 25684 issued to Respondent  
21 Avnet is surrendered and accepted by the Board of Pharmacy.

22 1. Respondent Avnet shall lose all rights and privileges as a pharmacist in California as  
23 of the effective date of the Board's Decision and Order.

24 2. Respondent Avnet shall relinquish his wall license and pocket renewal license within  
25 ten (10) days of the effective date of the Decision and Order.

26 3. The surrender of Respondent Avnet's pharmacist license and the acceptance of the  
27 surrendered license by the Board shall constitute the imposition of discipline against Respondent  
28

1 Avnet. This decision constitutes a record of the discipline and shall become a part of Respondent  
2 Avnet's license history with the Board of Pharmacy.

3 4. Respondent Avnet understands and agrees that if he ever files an application for  
4 licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new  
5 application for licensure.

6 5. Respondent Avnet may not apply for any license, permit, or registration from the  
7 Board for three (3) years from the effective date of this decision.

8 6. Respondent Avnet stipulates that should he apply for any license from the Board on  
9 or after the effective date of this decision, all allegations set forth in <sup>First Amended</sup> Accusation No. 3421 shall be  
10 deemed to be true, correct, and admitted by Respondent Avnet when the Board determines  
11 whether to grant or deny the application. Respondent Avnet shall satisfy all requirements  
12 applicable to that license as of the date the application is submitted to the Board, including, but  
13 not limited to taking and passing the California Pharmacist Licensure Examination prior to the  
14 issuance of a new license. Respondent Avnet is required to report this surrender as disciplinary  
15 action.

16 7. Respondent Avnet further stipulates that he shall reimburse the Board for its costs of  
17 investigation and prosecution in the amount of Fifty Thousand Dollars (\$50,000.00). The full  
18 amount shall be paid within forty eight (48) hours of the effective date of this decision.  
19 Respondent Avnet and Respondent Sayre shall be jointly and severally liable for the full payment  
20 of the cost of investigation and prosecution in this matter.

21 8. Respondent Avnet and Respondent Sayre further stipulate that they are jointly and  
22 severally liable for the payment of a civil penalty in the amount of One Hundred Ten Thousand  
23 Dollars (\$110,000.00) imposed by the Board of Pharmacy on Respondent Sayre as part of a  
24 settlement of <sup>First Amended</sup> Accusation No. 3421. The full amount of the civil penalty shall be paid within  
25 ninety days (90) of the effective date of this decision.

26 9. Respondent Avnet understands and agrees that such civil penalties are administrative  
27 fines pursuant to 11 U.S.C. § 523(a)(7), and as such are not dischargeable in bankruptcy.

28

1 Respondent Avnet further understands and agrees that the filing of bankruptcy shall not relieve  
2 Respondent Avnet of the obligation to pay the balance of the civil penalties to the Board.

3 10. Respondent Avnet and Respondent Sayre are jointly and severally liable for the above  
4 enumerated penalties and costs. The total amount to be paid to the Board of Pharmacy in this  
5 matter shall not exceed One Hundred Sixty Thousand Dollars (\$160,000)

6 11. Respondent Avnet shall make payment by cashier check or money order payable to  
7 "Board of Pharmacy." All payments shall be mailed to Board of Pharmacy, 1625 North Market  
8 Boulevard, Suite N219, Sacramento, CA 95834-1924 and indicate reference: "Sayre/Avnet, Case  
9 No. 3421."

10 12. Failure to pay the full fine amount within the timeline indicated may result in further  
11 license discipline, including the denial of Respondents application for renewal of a pharmacist  
12 license, and any other license issued to Respondents by the Board of Pharmacy.

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

20 If Respondent Gary Bruce Avnet retains the corporation of Sayre Medical Pharmacy, Inc., after  
21 the six (6) month probation period <sup>that is placed on Resp. Sayre</sup> or October 1, 2013, whichever date occurs first, he shall  
22 change the name of the corporation so that it no longer contains the terms "Medical" or  
23 "Pharmacy." Within ten (10) days of any change in ownership, title, or holding in Sayre Medical  
24 Pharmacy, Inc, Respondent Gary Bruce Avnet shall notify the Board in writing, under penalty of  
25 perjury, of said changes. Whether or not the corporation or all of the corporation's assets are  
26 disposed of through sale, transfer, or other means, on or before the end of the six (6) month  
27 probation period that is imposed on Respondent Sayre Medical Pharmacy, Inc. in <sup>First</sup> Accusation No.  
28

1 3421 or October 1, 2013, whichever date occurs first, the Respondent Sayre Medical Pharmacy,  
2 Inc's pharmacy permit shall be permanently revoked, without further notice or formal hearing.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Surrender of License and Disciplinary Order and  
5 have fully discussed it with my attorney, Herbert Weinberg. I understand the stipulation and the  
6 effect it will have on my Pharmacist License No. 25684. I enter into this Stipulated Surrender of  
7 License and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound  
8 by the Decision and Order of the Board of Pharmacy.

9  
10 DATED: March 21, 2013

  
11 \_\_\_\_\_  
12 GARY BRUCE AVNET  
13 Respondent

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

17 DATED: March 21, 2013

  
18 \_\_\_\_\_  
19 HERBERT WEINBERG  
20 Attorney for Respondent

21 ENDORSEMENT

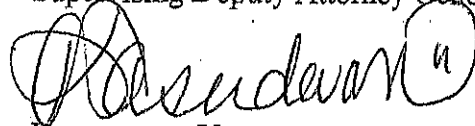
22 The foregoing Stipulated Surrender of License and Disciplinary Order is hereby  
23 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
24 Consumer Affairs.  
25  
26  
27  
28



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*

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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

8  
9 **BEFORE THE**  
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14 **14124 Foothill Blvd.**  
**Sylmar, CA 91342**

**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.

27 ///

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, Arecibo, 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.

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
29	Voltaren	Diclofenac	Yes	No	Pain
30	Lomotil	Diphenoxylate / Atropine	Yes	HSC 11058 (c)(4)	Diarrhea
31		Econazole	Yes	No	Tinea
32		Estazolam	Yes	HSC 11057 (d)(10)	Anxiety
33		Etodolac	Yes	No	Pain
34		Fexofenadine	Yes	No	Allergic

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				rhinitis
	Finasteride	Yes	No	BPH
	Fluconazole	Yes	No	Candidiasis
	Floxin Ofloxacin	Yes	No	Antibiotic
	Flovent Fluticasone	Yes	No	Asthma
	Aerobid Flunisolide	Yes	No	Asthma
	Gabapentin	Yes	No	Herpetic neuralgia
	Glipizide	Yes	No	Diabetes Mellitus
	Glucagon	Yes	No	Hypoglyce mia
	Humalog Insulin	Yes	No	Diabetes Mellitus
	Hydrocortisone	Yes	No	
	Hydroxyzine	Yes	No	Anxiety
	Hyoscyamine	Yes	No	GI Spasm
	Januvia Sitagliptin	Yes	No	Diabetes Mellitus
	Prevacid Lansoprazole	Yes	No	GERD
	Levaquin Levofloxacin	Yes	No	Antibiotic
	Lidocaine	Yes	No	
	Lidoderm	Yes	No	Herpetic neuralgia
	Lipitor Atorvastatin	Yes	No	Hypercholest erolemia
	Lovaza Omega 3 acid ethyl esters	Yes	No	Hypertriglyce ridemia
	Lyrica Pregabalin	Yes	CFR 1308.15 (e)(1)	Neuropathic pain
	Lunesta Eszopiclone	Yes	Yes (CIV)	Insomnia
	Metformin	Yes	No	Diabetes Mellitus
	Metronidazole	Yes	No	Antibiotic
	Misoprostol	Yes	No	NSAID GI ulcer prevention
	Nasonex Mometasone	Yes	No	Asthma
	Mupirocin	Yes	No	Impetigo
	Nabumetone	Yes	No	Pain
	Naproxen	Yes	No	Pain
	Nexium Esomeprazole	Yes	No	GERD
	Niaspan Niacin	Yes	No	Hypercholest erolemia
	Novolog Insulin	Yes	No	Diabetes Mellitus
	Nystop Nystatin	Yes	No	Candidiasis
	Ondansetron	Yes	No	Nausea / vomiting prevention
	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		Propranolol	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
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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;

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- 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:  
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- 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 JJN 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:

28 ///

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	ciobetasol 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	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

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	8/12/2009	7187515	J. Padour	vesicare 5	no date written on oral order	
	7/10/2008	7110/2008	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	4486777	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
		8/2/2008	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	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	folbic	on pt profile, no script
		10/23/2009	7203849	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	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
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	



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

4  
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	RX#s
10 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	RX#s
20 Forged RX	4460951, 4463348, 4463766, 4464948, & 4479688
21 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).

1 100. Between about March 19, 2008 and February 2010, Respondent Avnet dispensed  
 2 prescriptions to himself with discrepancies in the dates and the prescribers, furnished  
 3 prescriptions documented on Respondent Avnet's profile but not recorded on CURES reports and  
 4 no prescription available for review, furnished controlled substance prescriptions documented on  
 5 Respondent Avnet's profile and on CURES report, but no prescription document available for  
 6 review, and furnished dangerous drug prescriptions documented on Respondent Avnet's profile  
 7 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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					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	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

1		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
2		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
3		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
4		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
5		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
6		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
7		12/8/2008	7129054	R. Titcher	glipizide xl 10	on pt profile, no script
8		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
9		1/14/2009	7137432	R. Titcher	januvia 100	on pt profile, no script
10		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
11		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
12		10/13/2009	7201190	R. Titcher	niaspan 500	on pt profile, no script
13		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
14		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
15		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
16		2/1/2010	2231514	R. Titcher	amphetamine salt 20 (adderall)	on pt profile, no script

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19 101. Between about March 3, 2008 and January 2010, Respondent Avnet dispensed  
20 prescriptions to Respondent Avnet's wife that were not authorized, and furnished prescriptions  
21 documented on Mrs. Avnet's CURES report but not in her profile, and without a prescription  
22 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

1	5/15/2008	4463347	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
2	5/15/2008	4463348	R. Titcher	tussiclear dh	on cures, no script and not in pt profile	rx not authorized by md titcher
3						rx not authorized by md titcher
4	5/30/2008	4463766	R. Titcher	hc/apap 10/325	on cures, no script and not in pt profile	md titcher
5	6/18/2008	4464353	R. Titcher	alprazolam 0.5	on cures, no script and not in pt profile	Yes
6	6/18/2008	4464355	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
7	6/18/2008	4464356	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
8	7/8/2008	4464947	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
9	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
10	1/14/2009	4471008	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
11	1/14/2009	4471009	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
12	4/28/2009	4474547	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
13	7/6/2009	4476730	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
14	7/6/2009	4476731	R. Titcher	ascomp/codeine	on cures, no script and not in pt profile	Yes
15						rx not authorized by md titcher
16	10/12/2009	4479688	R. Titcher	hc/apap 7.5/750	on cures, no script and not in pt profile	md titcher
17	10/12/2009	4479689	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
18	12/12/2009	4481695	R. Titcher	aspirin/butalbital/caffeine	on cures, no script and not in pt profile	Yes
19	12/12/2009	4481698	R. Titcher	Unknown	on cures, no script and not in pt profile	
20	12/12/2009	4481696	R. Titcher	zolpidem 10	on cures, no script and not in pt profile	Yes
21	12/12/2009	4481697	R. Titcher	tussiclear dh	on cures, no script and not in pt profile	Yes
22	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.

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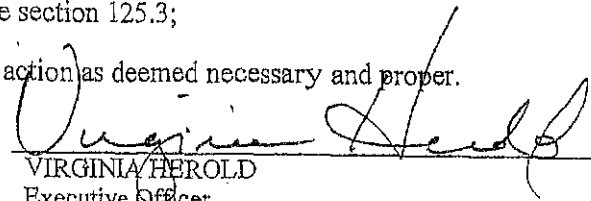
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PRAYER

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