

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

In the Matter of the Accusation Against:

**CARE PLUS PHARMACY, INC.,
ALI MASHAYEKHI, President
19015 Ventura Blvd
Tarzana, CA 91356
Pharmacy Permit No. PHY 48385**

**ALI MASHAYEKHI, Pharmacist-in-Charge
19449 Wells Drive
Tarzana, CA 91356
Pharmacist License No. RPH 46926**

**SONGUL AFACAN YAPRAK
18319 Collins Street, #1
Tarzana, CA 91356
Pharmacy Technician Registration
No. TCH 76657**

Respondents.

Case No. 5223

OAH No. 2015050989

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on October 24, 2016.

It is so ORDERED on September 23, 2016.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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7

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

10 In the Matter of the Accusation Against:

Case No. 5223

11 **CARE PLUS PHARMACY, INC.,**
12 **ALI MASHAYEKHI, President**
13 **19015 Ventura Blvd**
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14 **Pharmacy Permit No. PHY 48385**

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STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **ALI MASHAYEKHI, Pharmacist-in-**
Charge
16 **19449 Wells Drive**
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17 **Pharmacist License No. RPH 46926**

18 **SONGUL AFACAN YAPRAK**
19 **18319 Collins Street, #1**
Tarzana, CA 91356
20 **Pharmacy Technician Registration**
No. TCH 76657

21
22 Respondents.

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 PARTIES

27 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
28 She brought this action solely in her official capacity and is represented in this matter by Kamala

1 D. Harris, Attorney General of the State of California, by Antonio Lopez, Jr., Deputy Attorney
2 General.

3 Care Plus Pharmacy, Inc.

4 2. On or about December 21, 2006, the Board issued Pharmacy Permit Number PHY
5 48385 to Care Plus Pharmacy, Inc., (Respondent Pharmacy), with Ali Mashayekhi as its President
6 and Pharmacist-in-Charge. The Pharmacy Permit was in full force and effect at all times relevant
7 to the charges brought herein and will expire on December 1, 2016, unless renewed.

8 Ali Mashayekhi

9 3. On or about March 9, 1994, the Board issued Pharmacist License No. RPH 46926 to
10 Ali Mashayekhi (Respondent Mashayekhi). The Pharmacist License was in full force and effect
11 at all times relevant to the charges brought herein and will expire on July 31, 2017, unless
12 renewed.

13 Songul Afacan Yaprak

14 4. On or about July 18, 2007, the Board issued Pharmacy Technician License No. TCH
15 76657 to Songul Afacan Yaprak (Respondent Yaprak). The Pharmacy Technician License was in
16 full force and effect at all times relevant to the charges brought herein and will expire on January
17 31, 2017, unless renewed.

18 5. Respondents Care Plus Pharmacy, Inc., Ali Mashayekhi, and Songul Yaprak are
19 represented by Herbert L. Weinberg, 1990 So. Bundy Drive, Suite 777, Los Angeles, CA 90025.

20 JURISDICTION

21 6. Accusation No. 5223 was filed before the Board of Pharmacy (Board), Department of
22 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
23 statutorily required documents were properly served on Respondent on April 6, 2015.
24 Respondents timely filed their Notice of Defense contesting the Accusation.

25 7. A copy of Accusation No. 5223 is attached as exhibit A and incorporated herein by
26 reference.

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28 ///

1 the parties, and the Board shall not be disqualified from further action by having considered this
2 matter.

3 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
4 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
5 signatures thereto, shall have the same force and effect as the originals.

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

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

15 **DISCIPLINARY ORDER**

16 Care Plus Pharmacy, Inc., Pharmacy Permit No. PHY 48385

17 IT IS HEREBY ORDERED that, as to Respondent Care Plus Pharmacy, Inc., Pharmacy
18 Permit No. PHY 48385 issued to Care Plus Pharmacy, Inc., Ali Mashayekhi is revoked.
19 However, the revocation is stayed and Respondent is placed on probation for three (3) years on
20 the following terms and conditions.

21 1. **Obey All Laws**

22 Respondent owner shall obey all state and federal laws and regulations.

23 Respondent owner shall report any of the following occurrences to the board, in writing,
24 within seventy-two (72) hours of such occurrence:

25 an arrest or issuance of a criminal complaint for violation of any provision of the
26 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
27 substances laws.

28 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any

1 criminal complaint, information or indictment.

2 a conviction of any crime.

3 discipline, citation, or other administrative action filed by any state or federal agency
4 which involves respondent's Pharmacy Permit or which is related to the practice of
5 pharmacy or the manufacturing, obtaining, handling or distributing, billing, or
6 charging for any drug, device or controlled substance.

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

8 **2. Report to the Board**

9 Respondent owner shall report to the board quarterly, on a schedule as directed by the board
10 or its designee. The report shall be made either in person or in writing, as directed. Among other
11 requirements, respondent owner shall state in each report under penalty of perjury whether there
12 has been compliance with all the terms and conditions of probation. Respondent Care Plus
13 Pharmacy must include in their quarterly reports, during the first year of probation, their proof of
14 submission to CURES weekly. Failure to submit timely reports in a form as directed shall be
15 considered a violation of probation. Any period(s) of delinquency in submission of reports as
16 directed may be added to the total period of probation. Moreover, if the final probation report is
17 not made as directed, probation shall be automatically extended until such time as the final report
18 is made and accepted by the board.

19 **3. Interview with the Board**

20 Upon receipt of reasonable prior notice, respondent owner shall appear in person for
21 interviews with the board or its designee, at such intervals and locations as are determined by the
22 board or its designee. Failure to appear for any scheduled interview without prior notification to
23 board staff, or failure to appear for two (2) or more scheduled interviews with the board or its
24 designee during the period of probation, shall be considered a violation of probation.

25 **4. Cooperate with Board Staff**

26 Respondent owner shall cooperate with the board's inspection program and with the board's
27 monitoring and investigation of respondent's compliance with the terms and conditions of
28 probation. Failure to cooperate shall be considered a violation of probation.

1 **5. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent owner shall pay
3 to the board its costs of investigation and prosecution in the amount of \$10,000.00. Failure to pay
4 costs by the deadline(s) as directed shall be considered a violation of probation. Respondent Care
5 Plus Pharmacy, Inc., shall be held jointly and severally liable for reimbursement of costs with
6 Respondent Ali Mashayekhi.

7 The filing of bankruptcy by respondent owner shall not relieve respondent of their
8 responsibility to reimburse the board its costs of investigation and prosecution.

9 **6. Probation Monitoring Costs**

10 Respondent owner shall pay any costs associated with probation monitoring as determined
11 by the board each and every year of probation. Such costs shall be payable to the board on a
12 schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as
13 directed shall be considered a violation of probation.

14 **7. Status of License**

15 Respondent owner shall, at all times while on probation, maintain current licensure with the
16 board. If respondent owner submits an application to the board, and the application is approved,
17 for a change of location, change of permit or change of ownership, the board shall retain
18 continuing jurisdiction over the license, and the respondent shall remain on probation as
19 determined by the board. Failure to maintain current licensure shall be considered a violation of
20 probation.

21 If respondent owner's license expires or is cancelled by operation of law or otherwise at any
22 time during the period of probation, including any extensions thereof or otherwise, upon renewal
23 or reapplication respondent owner's license shall be subject to all terms and conditions of this
24 probation not previously satisfied.

25 **8. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should respondent owner discontinue
27 business, respondent owner may tender the premises license to the board for surrender. The
28 board or its designee shall have the discretion whether to grant the request for surrender or take

1 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of
2 the license, respondent will no longer be subject to the terms and conditions of probation.

3 Upon acceptance of the surrender, respondent owner shall relinquish the premises and
4 renewal license to the board within ten (10) days of notification by the board that the surrender is
5 accepted. Respondent owner shall further submit a completed Discontinuance of Business form
6 according to board guidelines and shall notify the board of the records inventory transfer.

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

17 Respondent owner may not apply for any new licensure from the board for three (3) years
18 from the effective date of the surrender. Respondent owner shall meet all requirements applicable
19 to the license sought as of the date the application for that license is submitted to the board.

20 Respondent owner further stipulates that he or she shall reimburse the board for its costs of
21 investigation and prosecution prior to the acceptance of the surrender.

22 9. Notice to Employees

23 Respondent owner shall, upon or before the effective date of this decision, ensure that all
24 employees involved in permit operations are made aware of all the terms and conditions of
25 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
26 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
27 remain posted throughout the probation period. Respondent owner shall ensure that any
28 employees hired or used after the effective date of this decision are made aware of the terms and

1 conditions of probation by posting a notice, circulating a notice, or both. Additionally,
2 respondent owner shall submit written notification to the board, within fifteen (15) days of the
3 effective date of this decision, that this term has been satisfied. Failure to submit such
4 notification to the board shall be considered a violation of probation. The term "Employees" as
5 used in this provision includes all full-time, part-time, volunteer, temporary and relief employees
6 and independent contractors employed or hired at any time during probation.

7 **10. Owners and Officers: Knowledge of the Law**

8 Respondent shall provide, within thirty (30) days after the effective date of this decision,
9 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
10 or more of the interest in respondent or respondent's stock, and any officer, stating under penalty
11 of perjury that said individuals have read and are familiar with state and federal laws and
12 regulations governing the practice of pharmacy. The failure to timely provide said statements
13 under penalty of perjury shall be considered a violation of probation.

14 **11. Posted Notice of Probation**

15 Respondent owner shall prominently post a probation notice provided by the board in a
16 place conspicuous and readable to the public. The probation notice shall remain posted during
17 the entire period of probation. Respondent owner shall not, directly or indirectly, engage in any
18 conduct or make any statement which is intended to mislead or is likely to have the effect of
19 misleading any patient, customer, member of the public, or other person(s) as to the nature of and
20 reason for the probation of the licensed entity.

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

22 **12. Violation of Probation**

23 If a respondent owner has not complied with any term or condition of probation, the board
24 shall have continuing jurisdiction over respondent license, and probation shall be automatically
25 extended until all terms and conditions have been satisfied or the board has taken other action as
26 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
27 probation, and to impose the penalty that was stayed.

28 If respondent owner violates probation in any respect, the board, after giving respondent

1 owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
2 order that was stayed. Notice and opportunity to be heard are not required for those provisions
3 stating that a violation thereof may lead to automatic termination of the stay and/or revocation of
4 the license. If a petition to revoke probation or an accusation is filed against respondent during
5 probation, the board shall have continuing jurisdiction and the period of probation shall be
6 automatically extended until the petition to revoke probation or accusation is heard and decided.

7 **13. Completion of Probation**

8 Upon written notice by the board or its designee indicating successful completion of
9 probation, respondent license will be fully restored.

10
11 Ali Mashayekhi, Pharmacist License NO. RPH 46926

12 IT IS HEREBY ORDERED that, as to Respondent Ali Mashayekhi, Pharmacist License
13 No. RPH 46926, is revoked. However, the revocation is stayed and Respondent is placed on
14 probation for three (3) years on the following terms and conditions.

15 **1. Obey All Laws**

16 Respondent shall obey all state and federal laws and regulations.

17 Respondent shall report any of the following occurrences to the board, in writing, within
18 seventy-two (72) hours of such occurrence:

- 19 • an arrest or issuance of a criminal complaint for violation of any provision of the
20 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
21 substances laws.
- 22 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
23 criminal complaint, information or indictment.
- 24 • a conviction of any crime.
- 25 • discipline, citation, or other administrative action filed by any state or federal agency
26 which involves respondent's Pharmacist License or which is related to the practice of
27 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
28 for any drug, device or controlled substance.

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

2 **2. Report to the Board**

3 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
4 designee. The report shall be made either in person or in writing, as directed. Among other
5 requirements, respondent shall state in each report under penalty of perjury whether there has
6 been compliance with all the terms and conditions of probation. Failure to submit timely reports
7 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
8 in submission of reports as directed may be added to the total period of probation. Moreover, if
9 the final probation report is not made as directed, probation shall be automatically extended until
10 such time as the final report is made and accepted by the board.

11 **3. Interview with the Board**

12 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
13 with the board or its designee, at such intervals and locations as are determined by the board or its
14 designee. Failure to appear for any scheduled interview without prior notification to board staff,
15 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
16 the period of probation, shall be considered a violation of probation.

17 **4. Cooperate with Board Staff**

18 Respondent shall cooperate with the board's inspection program and with the board's
19 monitoring and investigation of respondent's compliance with the terms and conditions of his
20 probation. Failure to cooperate shall be considered a violation of probation.

21 **5. Continuing Education**

22 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
23 pharmacist as directed by the board or its designee.

24 **6. Notice to Employers**

25 During the period of probation, respondent shall notify all present and prospective employers of
26 the decision in case number 5223 and the terms, conditions and restrictions imposed on
27 respondent by the decision, as follows:

28

1 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
2 respondent undertaking any new employment, respondent shall cause his direct supervisor,
3 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
4 tenure of employment) and owner to report to the board in writing acknowledging that the listed
5 individual(s) has/have read the decision in case number 5223, and terms and conditions imposed
6 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
7 submit timely acknowledgment(s) to the board.

8 If respondent works for or is employed by or through a pharmacy employment service,
9 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
10 licensed by the board of the terms and conditions of the decision in case number 5223 in advance
11 of the respondent commencing work at each licensed entity. A record of this notification must be
12 provided to the board upon request.

13 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
14 (15) days of respondent undertaking any new employment by or through a pharmacy employment
15 service, respondent shall cause his direct supervisor with the pharmacy employment service to
16 report to the board in writing acknowledging that they have read the decision in case number
17 5223 and the terms and conditions imposed thereby. It shall be respondent's responsibility to
18 ensure that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

19 Failure to timely notify present or prospective employer(s) or to cause that/those
20 employer(s) to submit timely acknowledgments to the board shall be considered a violation of
21 probation. The term "Employment" within the meaning of this provision shall include any full-
22 time, part-time, temporary, relief or pharmacy management service as a pharmacist or any
23 position for which a pharmacist license is a requirement or criterion for employment, whether the
24 respondent is an employee, independent contractor or volunteer.

25 **7. No Serving as a Consultant**

26 During the period of probation, respondent shall not serve as a consultant unless otherwise
27 specified in this order. Assumption of any such unauthorized supervision responsibilities
28 shall be considered a violation of probation.

1 **8. Reimbursement of Board Costs**

2 As a condition precedent to successful completion of probation, respondent shall pay to the
3 board its costs of investigation and prosecution in the amount of \$10,000.00. Failure to pay costs
4 by the deadline(s) as directed shall be considered a violation of probation. Respondent Ali
5 Mashayekhi shall be held jointly and severally liable for reimbursement of costs with Respondent
6 Care Plus Pharmacy, Inc.

7 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
8 reimburse the board its costs of investigation and prosecution.

9 **9. Probation Monitoring Costs**

10 Respondent shall pay any costs associated with probation monitoring as determined by the
11 board each and every year of probation. Such costs shall be payable to the board on a schedule as
12 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
13 be considered a violation of probation.

14 **10. Status of License**

15 Respondent shall, at all times while on probation, maintain an active, current license with
16 the board, including any period during which suspension or probation is tolled. Failure to
17 maintain an active, current license shall be considered a violation of probation.

18 If respondent's license expires or is cancelled by operation of law or otherwise at any time
19 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
20 renewal or reapplication respondent's license shall be subject to all terms and conditions of this
21 probation not previously satisfied.

22 **11. License Surrender While on Probation/Suspension**

23 Following the effective date of this decision, should respondent cease practice due to
24 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
25 respondent may tender his license to the board for surrender. The board or its designee shall have
26 the discretion whether to grant the request for surrender or take any other action it deems
27 appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent
28

1 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
2 record of discipline and shall become a part of the respondent's license history with the board.

3 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to
4 the board within ten (10) days of notification by the board that the surrender is accepted.
5 Respondent may not reapply for any license from the board for three (3) years from the effective
6 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
7 of the date the application for that license is submitted to the board, including any outstanding
8 costs.

9 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
10 **Employment**

11 Respondent shall notify the board in writing within ten (10) days of any change of
12 employment. Said notification shall include the reasons for leaving, the address of the new
13 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
14 shall further notify the board in writing within ten (10) days of a change in name, residence
15 address, mailing address, or phone number.

16 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
17 phone number(s) shall be considered a violation of probation.

18 **13. Tolling of Probation**

19 Except during periods of suspension, respondent shall, at all times while on probation, be
20 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
21 month during which this minimum is not met shall toll the period of probation, i.e., the period of
22 probation shall be extended by one month for each month during which this minimum is not met.
23 During any such period of tolling of probation, respondent must nonetheless comply with all
24 terms and conditions of probation.

25 Should respondent, regardless of residency, for any reason (including vacation) cease
26 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
27 respondent must notify the board in writing within ten (10) days of the cessation of practice, and
28

1 must further notify the board in writing within ten (10) days of the resumption of practice. Any
2 failure to provide such notification(s) shall be considered a violation of probation.

3 It is a violation of probation for respondent's probation to remain tolled pursuant to the
4 provisions of this condition for a total period, counting consecutive and non-consecutive months,
5 exceeding thirty-six (36) months. The term "Cessation of practice" means any calendar month
6 during which respondent is not practicing as a pharmacist for at least 40 hours, as defined by
7 Business and Professions Code section 4000 et seq. "Resumption of practice" means any
8 calendar month during which respondent is practicing as a pharmacist for at least 40 hours as a
9 pharmacist as defined by Business and Professions Code section 4000 et seq.

10 14. Violation of Probation

11 If a respondent has not complied with any term or condition of probation, the board shall
12 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
13 all terms and conditions have been satisfied or the board has taken other action as deemed
14 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
15 to impose the penalty that was stayed.

16 If respondent violates probation in any respect, the board, after giving respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
19 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
20 a petition to revoke probation or an accusation is filed against respondent during probation, the
21 board shall have continuing jurisdiction and the period of probation shall be automatically
22 extended until the petition to revoke probation or accusation is heard and decided.

23 15. Completion of Probation

24 Upon written notice by the board or its designee indicating successful completion of
25 probation, respondent's license will be fully restored.

26 16. Community Services Program

27 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
28 board or its designee, for prior approval, a community service program in which respondent shall

1 provide free health-care related services on a regular basis to a community or charitable facility or
2 agency for at least 48 hours per year for the three (3) years of probation. Within thirty (30) days
3 of board approval thereof, respondent shall submit documentation to the board demonstrating
4 commencement of the community service program. A record of this notification must be
5 provided to the board upon request. Respondent shall report on progress with the community
6 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
7 program shall be considered a violation of probation.

8 **17. Remedial Education**

9 Within 90 days of the effective date of this decision, respondent shall submit to the board or
10 its designee, for prior approval, an appropriate program of remedial education related to
11 controlled substances identification and CURES reporting. The program of remedial education
12 shall consist of at least 5 unit hours, which shall be completed within one year at respondent's
13 own expense. All remedial education shall be in addition to, and shall not be credited toward,
14 continuing education (CE) courses used for license renewal purposes.

15 Failure to timely submit or complete the approved remedial education shall be considered a
16 violation of probation. The period of probation will be automatically extended until such
17 remedial education is successfully completed and written proof, in a form acceptable to the board,
18 is provided to the board or its designee.

19 Following the completion of each course, the board or its designee may require the
20 respondent, at his own expense, to take an approved examination to test the respondent's
21 knowledge of the course. If the respondent does not achieve a passing score on the examination,
22 this failure shall be considered a violation of probation. Any such examination failure shall
23 require respondent to take another course approved by the board in the same subject area.

24 **18. No Ownership of Additional Licensed Premises**

25 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
26 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
27 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
28 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,

1 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
2 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
3 that interest, but only to the extent of that position or interest as of the effective date of this
4 decision. Violation of this restriction shall be considered a violation of probation.

5 **19. Consultant for Owner or Pharmacist-In-Charge**

6 During the period of probation, respondent shall not serve as a consultant to any entity
7 licensed by the board. Respondent may be a pharmacist-in-charge. However, if during the period
8 of probation respondent serves as a pharmacist-in-charge, respondent shall retain an independent
9 consultant at his own expense who shall be responsible for reviewing pharmacy operations on a
10 monthly basis for compliance by respondent with state and federal laws and regulations
11 governing the practice of pharmacy and for compliance by respondent with the obligations of a
12 pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not on probation with
13 the board and whose name shall be submitted to the board or its designee, for prior approval,
14 within thirty (30) days of the effective date of this decision. Respondent shall not be a
15 pharmacist-in-charge at more than one pharmacy or at any pharmacy of which he is not the sole
16 owner. Failure to timely retain, seek approval of, or ensure timely reporting by the consultant
17 shall be considered a violation of probation. During the period of probation, the Board or its
18 designee, retains the discretion to reduce the frequency of the pharmacist consultant's review of
19 Respondent Care Plus Pharmacy's operations.

20 After the first year of probation, respondent may request that the Board terminate this
21 monthly consultant requirement.

22 **20. Ethics Course**

23 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
24 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.
25 Failure to initiate the course during the first year of probation, and complete it within the second
26 year of probation, is a violation of probation.

27 Respondent shall submit a certificate of completion to the board or its designee within five
28 days after completing the course.

1 Songul Afacan Yaprak, Pharmacy Technician License No. TCH 76657

2 IT IS HEREBY ORDERED that, as to Respondent Songul Afacan Yaprak, Pharmacy
3 License No. TCH 76657, is revoked. However, the revocation is stayed and Respondent is placed
4 on probation for two (2) years on the following terms and conditions.

5 **1. Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the board, in writing, within
8 seventy-two (72) hours of such occurrence:

- 9 an arrest or issuance of a criminal complaint for violation of any provision of the
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
11 substances laws.
- 12 a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
13 criminal complaint, information or indictment.
- 14 a conviction of any crime.
- 15 discipline, citation, or other administrative action filed by any state or federal agency
16 which involves respondent's Pharmacy Technician license or which is related to the
17 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,
18 or charging for any drug, device or controlled substance.

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

20 **2. Report to the Board**

21 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
22 designee. The report shall be made either in person or in writing, as directed. Among other
23 requirements, respondent shall state in each report under penalty of perjury whether there has
24 been compliance with all the terms and conditions of probation. Failure to submit timely reports
25 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
26 in submission of reports as directed may be added to the total period of probation. Moreover, if
27 the final probation report is not made as directed, probation shall be automatically extended until
28 such time as the final report is made and accepted by the board.

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
3 with the board or its designee, at such intervals and locations as are determined by the board or its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear at two (2) or more scheduled interviews with the board or its designee during
6 the period of probation, shall be considered a violation of probation.

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of respondent's compliance with the terms and conditions of her
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Notice to Employers**

12 During the period of probation, respondent shall notify all present and prospective
13 employers of the decision in case number 5223 and the terms, conditions and restrictions imposed
14 on respondent by the decision, as follows:

15 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
16 respondent undertaking any new employment, respondent shall cause her direct supervisor,
17 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
18 tenure of employment) and owner to report to the board in writing acknowledging that the listed
19 individual(s) has/have read the decision in case number 5223 and the terms and conditions
20 imposed thereby. It shall be respondent's responsibility to ensure that her employer(s) and/or
21 supervisor(s) submit timely acknowledgement(s) to the board.

22 If respondent works for or is employed by or through a pharmacy employment service,
23 respondent must notify her direct supervisor, pharmacist-in-charge and owner at every pharmacy
24 of the terms and conditions of the decision in case number 5223 in advance of the respondent
25 commencing work at each pharmacy. A record of this notification must be provided to the board
26 upon request.

27 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
28 (15) days of respondent undertaking any new employment by or through a pharmacy employment

1 service, respondent shall cause her direct supervisor with the pharmacy employment service to
2 report to the board in writing acknowledging that she has read the decision in case number 5223
3 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
4 that her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

5 Failure to timely notify present or prospective employer(s) or to cause that/those
6 employer(s) to submit timely acknowledgements to the board shall be considered a violation of
7 probation. The term "Employment" within the meaning of this provision shall include any full-
8 time, part-time, temporary or relief service or pharmacy management service as a pharmacy
9 technician or in any position for which a pharmacy technician license is a requirement or criterion
10 for employment, whether the respondent is considered an employee, independent contractor or
11 volunteer.

12 **6. Probation Monitoring Costs**

13 Respondent shall pay any costs associated with probation monitoring as determined by the
14 board each and every year of probation. Such costs shall be payable to the board on a schedule as
15 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
16 be considered a violation of probation.

17 **7. Status of License**

18 Respondent shall, at all times while on probation, maintain an active, current pharmacy
19 technician license with the board, including any period during which suspension or probation is
20 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

21 If respondent's pharmacy technician license expires or is cancelled by operation of law or
22 otherwise at any time during the period of probation, including any extensions thereof due to
23 tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all
24 terms and conditions of this probation not previously satisfied.

25 **8. License Surrender While on Probation/Suspension**

26 Following the effective date of this decision, should respondent cease work due to
27 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
28 respondent may tender her pharmacy technician license to the board for surrender. The board or

1 its designee shall have the discretion whether to grant the request for surrender or take any other
2 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
3 license, respondent will no longer be subject to the terms and conditions of probation. This
4 surrender constitutes a record of discipline and shall become a part of the respondent's license
5 history with the board.

6 Upon acceptance of the surrender, respondent shall relinquish her pharmacy technician
7 license to the board within ten (10) days of notification by the board that the surrender is
8 accepted. Respondent may not reapply for any license, permit, or registration from the board for
9 three (3) years from the effective date of the surrender. Respondent shall meet all requirements
10 applicable to the license sought as of the date the application for that license is submitted to the
11 board.

12 **9. Notification of Name Change, Residence Address, Mailing Address or**
13 **Employment**

14 Respondent shall notify the board in writing within ten (10) days of any change of
15 employment. Said notification shall include the reasons for leaving, the address of the new
16 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
17 shall further notify the board in writing within ten (10) days of a change in name, residence
18 address and mailing address, or phone number.

19 Failure to timely notify the board of any change in employer(s), name(s), address(es), or
20 phone number(s) shall be considered a violation of probation.

21 **10. Violation of Probation**

22 If a respondent has not complied with any term or condition of probation, the board shall
23 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
24 all terms and conditions have been satisfied or the board has taken other action as deemed
25 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
26 to impose the penalty that was stayed.

27 If respondent violates probation in any respect, the board, after giving respondent notice
28 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that

1 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
2 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
3 a petition to revoke probation or an accusation is filed against respondent during probation, the
4 board shall have continuing jurisdiction, and the period of probation shall be automatically
5 extended until the petition to revoke probation or accusation is heard and decided.

6 **11. Completion of Probation**

7 Upon written notice by the board indicating successful completion of probation,
8 respondent's pharmacy technician license will be fully restored.

9 ///


10 ///

11 ///

1 ACCEPTANCE

2 Respondents have carefully read the above Stipulated Settlement and Disciplinary Order
3 and have fully discussed it with their attorney, Herbert L. Weinberg. Respondents understand the
4 stipulation and the effect it will have on their licenses. Respondents enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Board of Pharmacy

7 DATED: 4/28/16


8 CARE PLUS PHARMACY, INC.,
9 ALI MASHAYEKHI, President
Respondent

10 I have read and fully discussed with Respondent Care Plus Pharmacy, Inc., Ali
11 Mashayekhi, President, the terms and conditions and other matters contained in the above
12 Stipulated Settlement and Disciplinary Order. I approve its form and content.

13 DATED: 4/28/16


14 HERBERT L. WEINBERG
Attorney for Respondent

15 DATED: 4/28/16



16 ALI MASHAYEKHI
Respondent

17 I have read and fully discussed with Ali Mashayekhi the terms and conditions contained in
18 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

19 DATED: _____


20 HERBERT L. WEINBERG
Attorney for Respondent

21 DATED: 4/28/2016


22 SONGUL APACAN YAPRAK
Respondent

23 I have read and fully discussed with Songul Apacan Yaprak, the terms and conditions in the
24 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

25 DATED: 4/28/2016


26 HERBERT L. WEINBERG
Attorney for Respondent

ACCEPTANCE

1 Respondents have carefully read the above Stipulated Settlement and Disciplinary Order
2 and have fully discussed it with their attorney, Herbert L. Weinberg. Respondents understand the
3 stipulation and the effect it will have on their licenses. Respondents enter into this Stipulated
4 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
5 bound by the Decision and Order of the Board of Pharmacy.
6

7 DATED: _____

CARE PLUS PHARMACY, INC.,
ALI MASHAYEKHI, President
Respondent

10 I have read and fully discussed with Respondent Care Plus Pharmacy, Inc., Ali
11 Mashayekhi, President, the terms and conditions and other matters contained in the above
12 Stipulated Settlement and Disciplinary Order. I approve its form and content.

13 DATED: _____

HERBERT L. WEINBERG
Attorney for Respondent

15 DATED: _____

ALI MASHAYEKHI
Respondent

17 I have read and fully discussed with Ali Mashayekhi the terms and conditions contained in
18 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

19 DATED: _____

HERBERT L. WEINBERG
Attorney for Respondent

21 DATED: 4/25/16

SONGUL AFACAN YAPRAK
Respondent

23 I have read and fully discussed with Songul Afacan Yaprak, the terms and conditions in the
24 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

25 DATED: _____

HERBERT L. WEINBERG
Attorney for Respondent

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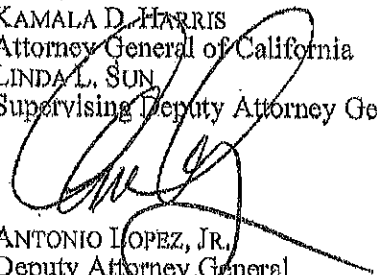
ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: 4/25/16

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General



ANTONIO LOPEZ, JR.
Deputy Attorney General
Attorneys for Complainant

LA2014512129

Exhibit A

Accusation No. 5223

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10 In the Matter of the Accusation Against:

Case No. 5223

11 **CARE PLUS PHARMACY, INC.,**
12 **ALI MASHAYEKHI, President**
13 **19015 Ventura Blvd**
14 **Tarzana, CA 91356**
Pharmacy Permit No. PHY 48385

A C C U S A T I O N

15 **ALI MASHAYEKHI, Pharmacist-in-Charge**
16 **19449 Wells Drive**
Tarzana, CA 91356
Pharmacist License No. RPH 46926

17 **SONGUL AFACAN YAPRAK**
18 **18319 Collins Street, #1**
Tarzana, CA 91356
19 **Pharmacy Technician Registration**
No. TCH 76657

20 Respondents.

21
22 Complainant alleges:

23 **PARTIES**

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

26 Care Plus Pharmacy, Inc.

27 2. On or about December 21, 2006, the Board issued Pharmacy Permit Number PHY
28 48385 to Care Plus Pharmacy, Inc., (Respondent Pharmacy), with Ali Mashayekhi as its President

1 and Pharmacist-in-Charge. The Pharmacy Permit was in full force and effect at all times relevant
2 to the charges brought herein and will expire on December 1, 2014, unless renewed.

3 Ali Mashayekhi

4 3. On or about March 9, 1994, the Board issued Pharmacist License No. RPH 46926 to
5 Ali Mashayekhi (Respondent Mashayekhi). The Pharmacist License was in full force and effect at
6 all times relevant to the charges brought herein and will expire on July 31, 2015, unless renewed.

7 Songul Afacan Yaprak

8 4. On or about July 18, 2007, the Board issued Pharmacy Technician License No. TCH
9 76657 to Songul Afacan Yaprak (Respondent Yaprak). The Pharmacy Technician License was in
10 full force and effect at all times relevant to the charges brought herein and will expire on January
11 31, 2015, unless renewed.

12 JURISDICTION

13 5. This Accusation is brought before the Board the authority of the following laws. All
14 section references are to the Business and Professions Code unless otherwise indicated.

15 6. Section 4300 of the Code states:

16 "(a) Every license issued may be suspended or revoked."

17 7. Section 4300.1 of the Code states:

18 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
19 of law or by order or decision of the board or a court of law, the placement of a license on a
20 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
21 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
22 against, the licensee or to render a decision suspending or revoking the license."

23 8. Section 4030 of the Code states:

24 "'Intern pharmacist' means a person issued a license pursuant to Section 4208."

25 ///

26 ///

27 ///

28 9. Section 4114 of the Code states:

1 a. Respondent Pharmacy obtained its permit from the Board on December 21, 2006 but
2 did not register with Atlantic Associates for CURES reporting until March 2014.

3 **RESPONDENT MASHAYEKHI**

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(False Document)**

6 19. Respondent Mashayekhi is subject to disciplinary action under Code section 4301,
7 subdivisions (g) and (f) in that he knowingly signed Respondent Yaprak's Pharmacy Intern Hours
8 Affidavit even though Respondent Yaprak does not have an intern pharmacist license issued by the
9 Board. The circumstances are as follows:

10 a. Respondent Yaprak was licensed as a pharmacy technician by the Board since July 18,
11 2007. Respondent Yaprak obtained a foreign Bachelor of Science degree in Pharmacy but does
12 not have an intern pharmacist license issued by the Board in accordance with Code sections 4030,
13 4114, and 4208.

14 b. On or about October 17, 2013, the Board received Respondent Yaprak's Pharmacy
15 Intern Hours Affidavit, which was certified by Respondent Mashayekhi under penalty of perjury
16 that Respondent Yaprak had worked at Respondent Pharmacy as an intern pharmacist from March
17 10, 2008 to about October 8, 2013.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Unlicensed Activity)**

20 20. Respondent Mashayekhi is subject to disciplinary action under Code section 4301,
21 subdivisions (f) and (o) for violating Code section 4115, subdivision (c), in that he allowed
22 Respondent Yaprak to perform the duties of an intern pharmacist without a license and which
23 duties were beyond the scope and judgment of a pharmacy technician. The circumstances are as
24 follows:

25 a. Respondent Yaprak was licensed as a pharmacy technician by the Board since July 18,
26 2007. Respondent Yaprak obtained a foreign Bachelor of Science degree in Pharmacy but does
27 not have an intern pharmacist license issued by the Board in accordance with Code sections 4030,
28 4114, and 4208.

