

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

In the Matter of the Accusation Against:

**FAIRFAX DISCOUNT PHARMACY INC.  
dba FAIRFAX DISCOUNT PHARMACY,  
BORIS GOROKHOVSKY, OWNER**  
7771 Beverly Blvd  
Los Angeles, CA 90036

Pharmacy Permit No. PHY 50390

**AND**

**STANLEY POTASH**  
10373 Tennessee Avenue  
Los Angeles, CA 90064

Pharmacist License No. RPH 19744

Respondents.

Case No. 5565

**STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER**

**[RESPONDENT FAIRFAX  
DISCOUNT PHARMACY INC.  
dba FAIRFAX DISCOUNT  
PHARMACY ONLY]**

**DECISION AND ORDER**

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

This Decision shall become effective at 5:00 p.m. on November 1, 2017.

It is so ORDERED on October 2, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
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7

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**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**  
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11 In the Matter of the Accusation Against:

Case No. 5565

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13 **dba FAIRFAX DISCOUNT PHARMACY,**  
**BORIS GOROKHOVSKY, OWNER**  
14 7771 Beverly Blvd  
Los Angeles, CA 90036

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Pharmacy Permit No. PHY 50390

**[RESPONDENT  
FAIRFAX DISCOUNT PHARMACY INC.  
dba FAIRFAX DISCOUNT PHARMACY  
ONLY]**

16 **AND**

17 **STANLEY POTASH**  
18 10373 Tennessee Avenue  
Los Angeles, CA 90064

19 Pharmacist License No. RPH 19744

20 Respondents.  
21

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

24 **PARTIES**

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
26 (Board). She brought this action solely in her official capacity and is represented in this matter by  
27 Xavier Becerra, Attorney General of the State of California, by Susan Melton Wilson, Deputy  
28 Attorney General.





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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Permit No. PHY 50390 issued to Respondent Fairfax  
6 Discount Pharmacy Inc. dba Fairfax Discount Pharmacy, Boris Gorokhovsky is revoked.  
7 However, the revocation is stayed and Respondent is placed on probation for four (4) years on the  
8 following terms and conditions.

9 **1. Obey All Laws**

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

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

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

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

24 **2. Report to the Board**

25 Respondent owner shall report to the board quarterly, on a schedule as directed by the board  
26 or its designee. The report shall be made either in person or in writing, as directed. Among other  
27 requirements, respondent owner shall state in each report under penalty of perjury whether there  
28 has been compliance with all the terms and conditions of probation. Failure to submit timely

1 reports in a form as directed shall be considered a violation of probation. Any period(s) of  
2 delinquency in submission of reports as directed may be added to the total period of probation.  
3 Moreover, if the final probation report is not made as directed, probation shall be automatically  
4 extended until such time as the final report is made and accepted by the board.

5 **3. Interview with the Board**

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

11 **4. Cooperate with Board Staff**

12 Respondent owner shall cooperate with the board's inspection program and with the board's  
13 monitoring and investigation of respondent's compliance with the terms and conditions of their  
14 probation. Failure to cooperate shall be considered a violation of probation.

15 **5. Reimbursement of Board Costs**

16 As a condition precedent to successful completion of probation, respondent owner shall pay  
17 to the board its costs of investigation and prosecution in the amount of \$ 5083.25. Respondent  
18 owner shall make said payments in accord with a plan approved by the Board. There shall be no  
19 deviation from this schedule absent prior written approval by the board or its designee. Failure to  
20 pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

23 **6. Probation Monitoring Costs**

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

28 **7. Status of License**

1 Respondent owner shall, at all times while on probation, maintain current licensure with the  
2 board. If respondent owner submits an application to the board, and the application is approved,  
3 for a change of location, change of permit or change of ownership, the board shall retain  
4 continuing jurisdiction over the license, and the respondent shall remain on probation as  
5 determined by the board. Failure to maintain current licensure shall be considered a violation of  
6 probation.

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

#### 11 8. License Surrender While on Probation/Suspension

12 Following the effective date of this decision, should respondent owner discontinue  
13 business, respondent owner may tender the premises license to the board for surrender. The  
14 board or its designee shall have the discretion whether to grant the request for surrender or take  
15 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of  
16 the license, respondent will no longer be subject to the terms and conditions of probation.

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

21 Respondent owner shall also, by the effective date of this decision, arrange for the  
22 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written  
23 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that  
24 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating  
25 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five  
26 days of its provision to the pharmacy's ongoing patients, Respondent owner shall provide a copy  
27 of the written notice to the board. For the purposes of this provision, "ongoing patients" means  
28 those patients for whom the pharmacy has on file a prescription with one or more refills

1 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)  
2 days.

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

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

8 **9. Notice to Employees**

9 Respondent owner shall, upon or before the effective date of this decision, ensure that all  
10 employees involved in permit operations are made aware of all the terms and conditions of  
11 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
12 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
13 remain posted throughout the probation period. Respondent owner shall ensure that any  
14 employees hired or used after the effective date of this decision are made aware of the terms and  
15 conditions of probation by posting a notice, circulating a notice, or both. Additionally,  
16 respondent owner shall submit written notification to the board, within fifteen (15) days of the  
17 effective date of this decision, that this term has been satisfied. Failure to submit such  
18 notification to the board shall be considered a violation of probation.

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

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

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



1           **11. Posted Notice of Probation**

2           Respondent owner shall prominently post a probation notice provided by the board in a  
3 place conspicuous and readable to the public. The probation notice shall remain posted during  
4 the entire period of probation.

5           Respondent owner shall not, directly or indirectly, engage in any conduct or make any  
6 statement which is intended to mislead or is likely to have the effect of misleading any patient,  
7 customer, member of the public, or other person(s) as to the nature of and reason for the probation  
8 of the licensed entity.

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

10           **12. Violation of Probation**

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

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

24           **13. Completion of Probation**

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

27           **14. Consultant for Owner or Pharmacist-In-Charge**

28           During the period of probation, Respondent shall retain an independent consultant at its

1 own expense who shall be responsible for reviewing pharmacy operations on a quarterly basis for  
2 compliance by Respondent with state and federal laws and regulations governing the practice of  
3 pharmacy and for compliance by respondent with the obligations of a pharmacist-in-charge. The  
4 consultant shall be a pharmacist licensed by and not on probation with the board and whose name  
5 shall be submitted to the board or its designee, for prior approval, within thirty (30) days of the  
6 effective date of this decision. During the period of probation, the board or its designee retains  
7 the discretion to reduce the frequency of the pharmacist consultant's review of Respondent  
8 Pharmacy's operations. Failure to timely retain, seek approval of, or ensure timely reporting by  
9 the consultant shall be considered a violation of probation

10 **15. Employment of New Pharmacist-in-Charge**

11 Respondent shall submit the name of a qualified pharmacist in charge within fifteen (15)  
12 days of the effective date of this Order. Failure to timely comply with this condition shall be  
13 considered a violation of probation.

14  
15 ACCEPTANCE

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
17 discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it  
18 will have on my Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
19 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
20 Pharmacy.

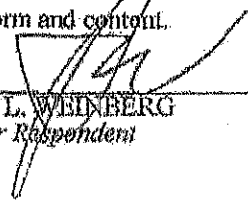
21 DATED: 8.22.2017

B. Gorokhovskiy  
FAIRFAX DISCOUNT PHARMACY INC. dba  
FAIRFAX DISCOUNT PHARMACY  
By: BORIS GOROKHOVSKY  
Respondent

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I have read and fully discussed with Respondent Fairfax Discount Pharmacy Inc. dba Fairfax Discount Pharmacy, by its authorized representative and 100% owner Boris Gorokhovskiy, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/22/2017


  
HERBERT L. WEINBERG  
*Attorney for Respondent*

ENDORSEMENT

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

Dated: August 30, 2017

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

  
SUSAN MILTON WILSON  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5565**

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 SUSAN MELTON WILSON  
Deputy Attorney General  
State Bar No. 106902  
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Facsimile: (213) 897-2804  
6 *Attorneys for Complainant*

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**A C C U S A T I O N**

14 Permit No. PHY 50390

15 **AND**

16 **STANLEY POTASH**  
17 10373 Tennessee Avenue  
18 Los Angeles, CA 90064

19 Pharmacist License No. RPH 19744

20 Respondents.

21  
22 Complainant alleges:

23 **PARTIES**

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

26 2. On or about September 22, 2010, the Board of Pharmacy issued Permit Number PHY  
27 50390 to Fairfax Discount Pharmacy Inc. dba Fairfax Discount Pharmacy, a corporation, with  
28 Boris Gorokhovskiy as president and 100% owner (Respondent Pharmacy). The Permit was in

1 full force and effect at all times relevant to the charges brought herein and will expire on  
2 September 1, 2017, unless renewed.

3 3. On or about July 23, 1955, the Board of Pharmacy issued Pharmacist License  
4 Number RPH 19744 issued to Stanley Potash (Respondent Potash). The Pharmacist License was  
5 in full force and effect at all times relevant to the charges brought herein and will expire on May  
6 31, 2017, unless renewed.

7 4. Continuously since on or about September 22, 2010 and at all times relevant herein,  
8 Respondent Stanley Potash was the registered Pharmacist in Charge of Respondent Pharmacy.

9 **JURISDICTION**

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

13 6. Section 4022 of the Code states

14 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in  
15 humans or animals, and includes the following:

16 "(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without  
17 prescription," "Rx only," or words of similar import.

18 "(b) Any device that bears the statement: "Caution: federal law restricts this device to sale  
19 by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the blank to be filled  
20 in with the designation of the practitioner licensed to use or order use of the device.

21 "(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
22 prescription or furnished pursuant to Section 4006."

23 7. Section 4081 of the Code states:

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

1 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,  
2 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and  
3 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and  
4 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

5 "(b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal  
6 drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated  
7 representative-in-charge, for maintaining the records and inventory described in this section.

8 "(c) The pharmacist-in-charge or designated representative-in-charge shall not be criminally  
9 responsible for acts of the owner, officer, partner, or employee that violate this section and of  
10 which the pharmacist-in-charge or designated representative-in-charge had no knowledge, or in  
11 which he or she did not knowingly participate."

12 8. Section 4300 of the Code states:

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

14 "(b) The board shall discipline the holder of any license issued by the board, whose default  
15 has been entered or whose case has been heard by the board and found guilty, by any of the  
16 following methods:

17 "(1) Suspending judgment.

18 "(2) Placing him or her upon probation.

19 "(3) Suspending his or her right to practice for a period not exceeding one year.

20 "(4) Revoking his or her license.

21 "(5) Taking any other action in relation to disciplining him or her as the board in its  
22 discretion may deem proper.

23 "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The  
24 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
25 guilty of unprofessional conduct and who has met all other requirements for licensure. The board  
26 may issue the license subject to any terms or conditions not contrary to public policy, including,  
27 but not limited to, the following:

28 "(1) Medical or psychiatric evaluation.

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"(2) Continuing medical or psychiatric treatment.

"(3) Restriction of type or circumstances of practice.

"(4) Continuing participation in a board-approved rehabilitation program.

"(5) Abstention from the use of alcohol or drugs.

"(6) Random fluid testing for alcohol or drugs.

"(7) Compliance with laws and regulations governing the practice of pharmacy.

"(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

"(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure."

9. Section 4300.1 of the Code states:

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

10. Section 4301 of the Code states:

"The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

...



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

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

6           . . .

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

9           . . .

10          (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
11 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
12 federal and state laws and regulations governing pharmacy, including regulations established by  
13 the board or by any other state or federal regulatory agency.

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

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

17          . . .

18          11. Section 4105 of the Code states:

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

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

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

27          (d) Any records that are maintained electronically shall be maintained so that the  
28 pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the

1 case of a veterinary food-animal drug retailer or wholesaler, the designated representative on  
2 duty, shall, at all times during which the licensed premises are open for business, be able to  
3 produce a hard copy and electronic copy of all records of acquisition or disposition or other drug  
4 or dispensing-related records maintained electronically.

5 "(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request,  
6 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),  
7 and (c) be kept on the licensed premises.

8 (2) A waiver granted pursuant to this subdivision shall not affect the board's authority  
9 under this section or any other provision of this chapter."

10 3. California Code of Regulations, title 16, section 1715. (Self-Assessment of a  
11 Pharmacy by the Pharmacist-in-Charge) states:

12 (a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section  
13 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's  
14 compliance with federal and state pharmacy law. The assessment shall be performed before July 1  
15 of every odd-numbered year. The primary purpose of the self-assessment is to promote  
16 compliance through self-examination and education.

17 (b) In addition to the self-assessment required in subdivision (a) of this section, the  
18 pharmacist-in-charge shall complete a self-assessment within 30 days whenever:

19 (1) A new pharmacy permit has been issued, or

20 (2) There is a change in the pharmacist-in-charge, and he or she becomes the new  
21 pharmacist-in-charge of a pharmacy.

22 (3) There is a change in the licensed location of a pharmacy to a new address.

23 (c) The components of this assessment shall be on Form 17M-13 (Rev. 01/11) entitled  
24 "Community Pharmacy Self-Assessment Hospital Outpatient Pharmacy Self-Assessment" and on  
25 Form 17M-14 (Rev. 01/11) entitled "Hospital Pharmacy Self-Assessment" which are hereby  
26 incorporated by reference to evaluate compliance with federal and state laws and regulations.

27 (d) Each self-assessment shall be kept on file in the pharmacy for three years after it is  
28 performed.

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12. Section 4307(a) of the Code states that:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, or partner of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, or partner had knowledge or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manger, administrator, owner, member, officer, director, associate, or partner of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated.

**COST RECOVERY**

13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

**DRUG CLASSIFICATIONS**

BRAND NAME	GENERIC NAME	DANGEROUS DRUG PER B&PC 4022	CONTROLLED SUBSTANCE PER H & SC	INDICATIONS FOR USE
Effient 10mg	Prasugrel	Yes	No	Thrombosis
Nitrolingual Pumpspray	Nitroglycerine	Yes	No	Angina, Coronary Artery Disease
Ranexa 500mg	Ranolazine	Yes	No	Angina
Victoza 2-Pak	Liraglutide	Yes	No	Diabetes

1    **FACTS COMMON TO ALL CAUSES FOR DISCIPLINE**

2            15. The following allegations are common to all causes for discipline in this matter:

3            a. At all times relevant herein, Fairfax Discount Pharmacy was an independent retail  
4 pharmacy located in the City of Los Angeles, with Respondent Stanley Potash serving as the  
5 registered pharmacist-in-charge.

6            b. On or about September 24, 2014, the Board received notification from Catamaran  
7 National Network ("Catamaran"), that Catamaran had removed Fairfax Discount Pharmacy from  
8 its network. Catamaran is a pharmacy benefit management company (a third party administrator  
9 of prescription drug programs), primarily responsible for processing and paying prescription drug  
10 claims.

11           c. Follow up investigation, including additional communications with Catamaran and an  
12 inspection of Respondent Pharmacy on October 14, 2014, resulted in the determination by Board  
13 Inspectors that Respondents had violated pharmacy law, as detailed below.

14           d. Drugs identified by Catamaran as unaccounted for in Respondent Pharmacy's  
15 inventory were: Effient 10mg, Nitrolingual Pumpspray, Ranexa 500mg, Victoza 2-pack and  
16 Voltaran Gel 1% from dates 1/1/2013 to 3/15/2014.

17    **Self Assessment**

18           e. At the time of the Board inspection on October 14, 2014, the pharmacy did not have a  
19 current self-assessment completed. The last one completed was dated 6/23/2011. Respondents  
20 then submitted what was represented as a current self-assessment. However Board Inspectors  
21 discovered that Respondents had merely substituted a new date (6/23/2013) on a **previous** self-  
22 assessment, rather than complete a new self-assessment as required. (Respondents also altered the  
23 front page of the self-assessment to reflect as current – but the second page had license expiration  
24 information which had not been updated since 2012.)

25    **Audit of Identified Drugs**

26           f. A Board audit of sales and purchase records for drugs identified by Catamaran was  
27 conducted for audit dates 1/1/2013 through 10/14/2014.

28           g. The results of the Board audit are summarized as follows:

Drug	Purchased	Dispensed	Difference
Effient 10mg	1,440	1,920	480
Nitrolingual Pumpspray <sup>1</sup>	1,692	3,144	1,452
Ranexa 500mg	6,960	9,330	2,370
Victoza	168	348	180

The Inspector noted that, since there were over 1,800 prescriptions dispensed for Voltaren Gel and the pharmacy software was unable to calculate the total quantities dispensed, an audit of Voltaren Gel was not conducted.

h. In a letter dated 12/12/14, Respondent Gorokhovskiy stated he was unable to explain the cause of the short fall, but that he believed the cause was negligence and not any intentional act.

**FIRST CAUSE FOR DISCIPLINE**

**(Failed to Comply With Self Assessment Form Requirements)**

16. Respondents are subject to disciplinary action under Code section 4300 for unprofessional conduct as defined in section 4301, subdivisions (j) and (o), in conjunction with California Code of Regulations, Title 16, section 1715, subdivision (a) (which requires that a pharmacy must complete a new self-assessment form before July 1 or every odd numbered year) in that during a Board inspection on or about October 14, 2014, Respondents were unable to produce a current, properly completed self assessment form.

**SECOND CAUSE FOR DISCIPLINE**

**(Falsification of Document)**

17. Respondents are subject to disciplinary action under Code section 4300 for unprofessional conduct as defined in section 4301, subdivisions (g) in conjunction with California Code of Regulations, Title 16, section 1715, subdivision (a) (which requires that a pharmacy must complete a new self-assessment form before July 1 or every odd numbered year) in that following a Board inspection on or about October 14, 2014, Respondents faxed a document indicating to the

<sup>1</sup> Only "brand name" (vs. generic) Nitrolingual Pumpspray was included in the audit.

1 Board that they had completed a self-assessment. In fact, no actual self-assessment had been  
2 completed. Rather - the document faxed was an earlier assessment with the date altered to suggest  
3 timely compliance.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Acts Involving Dishonesty, Fraud, or Deceit)**

6 18. Respondents are subject to disciplinary action under Code section 4301, subdivision  
7 (f), in that Respondents committed acts involving dishonesty, fraud, or deceit with the intent to  
8 substantially benefit himself, or substantially injure another, as follows: Following a Board  
9 inspection on or about October 14, 2014, Respondents faxed a document indicating to the Board  
10 that they had completed a self-assessment. In fact no actual self-assessment had been completed.  
11 Rather - the document faxed was a page from an earlier assessment with the date altered to  
12 suggest timely compliance.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Failure to Maintain Records of Acquisition and Disposition)**

15 19. Respondents are subject to disciplinary action under Code section 4300 for  
16 unprofessional conduct as defined in section 4301, subdivisions (j) and (o), in conjunction with  
17 section 4081, subdivisions (a) and (b), in that per Board audit for dates between January 1, 2013  
18 and October 14, 2014, Respondents had overages of each of the following drugs - with no  
19 records to account for the source of the excess drug stock:

- |    |                            |                   |
|----|----------------------------|-------------------|
| 20 | a. Effient 10mg            | 480 tablets       |
| 21 | b. Nitrolingual Pump Spray | 1,452 pump sprays |
| 22 | c. Ranexa 500mg            | 2,370 tablets     |
| 23 | d. Victoza 2paks           | 180 2 packs       |

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Subverting an Investigation)**

26 20. Respondent Potash is subject to disciplinary action under Code section 4300 for  
27 unprofessional conduct as defined in section 4301, subdivision (q) in that he subverted or  
28 attempted to subvert a Board investigation when, following a Board inspection on or about

1 October 14, 2014 in which inspectors inquired about Respondents' current self-assessment ,  
2 Respondent Potash falsified documents and/or submitted falsified documents to Board staff, and  
3 otherwise falsely attempted to show compliance with self-assessment requirements.

4 **OTHER MATTERS**

5  
6 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit  
7 Number Permit Number PHY 50390 issued to Fairfax Discount Pharmacy Inc. dba Fairfax  
8 Discount Pharmacy, Fairfax Discount Pharmacy Inc. shall be prohibited from serving as a  
9 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
10 five years if Pharmacy Permit Number PHY 50390 is placed on probation or until Pharmacy  
11 Permit Number PHY 50390 is reinstated if it is revoked.

12 22. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY  
13 50390 issued to Fairfax Discount Pharmacy Inc. while Boris Gorokhovsky has been an officer  
14 and owner and had knowledge of or knowingly participated in any conduct for which the  
15 licensee was disciplined, Boris Gorokhovsky shall be prohibited from serving as a manager,  
16 administrator, owner, member, officer, director, associate, or partner of a licensee for five years  
17 if Pharmacy Permit Number PHY 50390 is placed on probation or until Pharmacy Permit  
18 Number PHY 50390 is reinstated if it is revoked.

19 **PRAYER**

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

22 1. Revoking or suspending Permit Number PHY 50390, issued to Fairfax Discount  
23 Pharmacy Inc. dba Fairfax Discount Pharmacy, Boris Gorokhovsky (owner) ;

24 2. Prohibiting Fairfax Discount Pharmacy Inc. from serving as a manager, administrator,  
25 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
26 Permit Number PHY 50390 is placed on probation or until Pharmacy Permit Number PHY  
27 50390 is reinstated if Pharmacy Permit Number PHY 50390 issued to Fairfax Discount  
28 Pharmacy Inc. is revoked;

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3. Prohibiting Boris Gorokhovsky from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 50390 is placed on probation or until Pharmacy Permit Number PHY 50390 is reinstated if Pharmacy Permit Number PHY 50390 issued to Trinity Mission Pharmacy, Inc. is revoked;

4. Ordering Fairfax Discount Pharmacy 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;

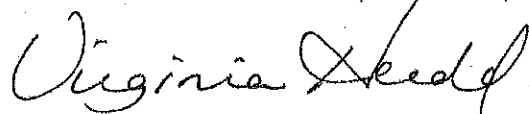
5. Revoking or suspending Pharmacist License Number RPH 19744 issued to Stanley Potash;

6. Ordering Stanley Potash 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;

7. Taking such other and further action as deemed necessary and proper.

DATED:

2/9/17



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

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