

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

**In the Matter of the Statement of Issues Against:**

**DUET PHARMACY, Respondent**

**Community Pharmacy Permit Applicant**

**Agency Case No. 6854**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 12, 2021.

It is so ORDERED on October 12, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ASPASIA A. PAPAVALASSILIOU  
Deputy Attorney General  
4 State Bar No. 196360  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0818  
Facsimile: (510) 622-2270  
7 E-mail: Aspasia.Papavassiliou@doj.ca.gov  
*Attorneys for Complainant*

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

13 In the Matter of the Statement of Issues  
Against:  
14 **DUET PHARMACY**  
15 **Community Pharmacy Permit Applicant**  
16 Respondent.

Case No. 6854

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

**[Bus. & Prof. Code § 495]**

17  
18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
23 (Board). She brought this action solely in her official capacity and is represented in this matter by  
24 Rob Bonta, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy  
25 Attorney General.

26 2. Respondent Duet Pharmacy (Respondent), with Russell Alexander Zukin as  
27 Respondent's Chief Executive Officer/President and Jonathan Yoonhee Han as Respondent's  
28 Chief Operating Officer, is represented in this proceeding by attorney Alissa Brice Castaneda

1 (California State Bar No. 287249) whose address is: Quarles & Brady LLP, Renaissance One,  
2 Two North Central Avenue, Phoenix, AZ 85004-2391.

3 **JURISDICTION**

4 3. On or about January 14, 2019, the Board received an application for a community  
5 pharmacy permit from Respondent. The Board denied the application on October 8, 2019.  
6 Respondent timely requested a hearing with respect to the denial.

7 4. Statement of Issues No. 6854 was filed before the Board of Pharmacy (Board),  
8 Department of Consumer Affairs and is currently pending against Respondent. The Statement of  
9 Issues and all other statutorily required documents were properly served on Respondent on  
10 September 10, 2020. A copy of Statement of Issues No. 6854 is attached as exhibit A and  
11 incorporated by reference.

12 **ADVISEMENT AND WAIVERS**

13 5. Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Statement of Issues No. 6854. Respondent has also carefully read,  
15 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
16 Disciplinary Order for Public Repeval.

17 6. Respondent is fully aware of its legal rights in this matter, including the right to a  
18 hearing on the charges and allegations in the Statement of Issues; the right to be represented by  
19 counsel at its own expense; the right to confront and cross-examine the witnesses against them;  
20 the right to present evidence and to testify on its own behalf; the right to the issuance of  
21 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
22 reconsideration and court review of an adverse decision; and all other rights accorded by the  
23 California Administrative Procedure Act and other applicable laws.

24 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25 every right set forth above.

26 **CULPABILITY**

27 8. For the purpose of resolving the Statement of Issues without the expense and  
28 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could

1 establish a factual basis for the charges and allegations regarding an inspection revealing  
2 differences between the quantities of the identified non-controlled substances purchased and  
3 dispensed during the relevant time period, and that Respondent hereby gives up its right to contest  
4 the charges and allegations of the Statement of Issues in a hearing, and agrees to be bound by the  
5 Disciplinary Order below.

6 **RESERVATION**

7 9. The admissions made by Respondent in this stipulation are only for the purposes of  
8 this proceeding, or any other proceedings in which the Board or other professional licensing  
9 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

10 **CONTINGENCY**

11 10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent  
12 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may  
13 communicate directly with the Board regarding this stipulation and settlement, without notice to  
14 or participation by Respondent or its counsel. By signing the stipulation, Respondent understands  
15 and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the  
16 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its  
17 Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Repeval shall  
18 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
19 between the parties, and the Board shall not be disqualified from further action by having  
20 considered this matter.

21 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order for Public Repeval, including PDF  
23 and facsimile signatures thereto, shall have the same force and effect as the originals.

24 12. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by  
25 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
26 of their agreement. It supersedes any and all prior or contemporaneous agreements,  
27 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated  
28 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,

1 supplemented, or otherwise changed except by a writing executed by an authorized representative  
2 of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that the Application of Respondent Duet Pharmacy for a  
8 community pharmacy permit is hereby granted. Upon successful completion of all licensing  
9 requirements, a license shall be issued to Respondent. Said license shall be publicly reprovod by  
10 the Board of Pharmacy under Business and Professions Code section 495 in resolution of  
11 Statement of Issues Case No. 6854, attached as exhibit A.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
14 Reapproval and have fully discussed it with my attorney, Alissa Brice Castaneda. I understand the  
15 stipulation and the effect it will have on my application for a community pharmacy permit. I  
16 enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily,  
17 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
18 Pharmacy.

19  
20 DATED: \_\_\_\_\_

\_\_\_\_\_  
21 Russell Alexander Zukin,  
22 President and Chief Executive Officer for  
23 DUET PHARMACY  
24 *Respondent*

25 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
26 Reapproval and have fully discussed it with my attorney, Alissa Brice Castaneda. I understand the  
27 stipulation and the effect it will have on my application for a community pharmacy permit. I  
28 enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily,

1 supplemented, or otherwise changed except by a writing executed by an authorized representative  
2 of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that the Application of Respondent Duet Pharmacy for a  
8 community pharmacy permit is hereby granted. Upon successful completion of all licensing  
9 requirements, a license shall be issued to Respondent. Said license shall be publicly reprovved by  
10 the Board of Pharmacy under Business and Professions Code section 495 in resolution of  
11 Statement of Issues Case No. 6854, attached as exhibit A.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
14 Reproval and have fully discussed it with my attorney, Alissa Brice Castaneda. I understand the  
15 stipulation and the effect it will have on my application for a community pharmacy permit. I  
16 enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily,  
17 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
18 Pharmacy.

19  
20 DATED: 09/13/2021



21 \_\_\_\_\_  
22 Russell Alexander Zukin,  
23 President and Chief Executive Officer for  
24 DUET PHARMACY  
25 Respondent

26 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
27 Reproval and have fully discussed it with my attorney, Alissa Brice Castaneda. I understand the  
28 stipulation and the effect it will have on my application for a community pharmacy permit. I  
enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily,

1 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
2 Pharmacy.

3  
4 DATED: \_\_\_\_\_

Jonathan Yoonhee Han,  
Chief Operating Officer for  
DUET PHARMACY  
*Respondent*

5  
6  
7  
8 I have read and fully discussed with Respondent Duet Pharmacy the terms and conditions  
9 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public  
10 Reapproval. I approve its form and content.

11  
12 DATED: \_\_\_\_\_

ALISSA BRICE CASTANEDA  
*Attorney for Respondent*

13  
14  
15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby  
17 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
18 Consumer Affairs.

19  
20 DATED: \_\_\_\_\_

Respectfully submitted,

ROB BONTA  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

21  
22  
23  
24  
25 ASPASIA A. PAPAVALASSIOU  
Deputy Attorney General  
*Attorneys for Complainant*

26  
27 OK2019900632 91390507.docx

1 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of  
2 Pharmacy.

3  
4 DATED:

9-10-2021



Jonathan Yoonhee Han,  
Chief Operating Officer for  
DUET PHARMACY  
*Respondent*

5  
6  
7  
8 I have read and fully discussed with Respondent Duet Pharmacy the terms and conditions  
9 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public  
10 Reapproval. I approve its form and content.

11  
12 DATED: 9/13/2021



ALISSA BRICE CASTANEDA  
*Attorney for Respondent*

13  
14  
15 **ENDORSEMENT**

16 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby  
17 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
18 Consumer Affairs.

19  
20 DATED: September 16, 2021

Respectfully submitted,

21 ROB BONTA  
22 Attorney General of California  
23 DIANN SOKOLOFF  
Supervising Deputy Attorney General



24 ASPASIA A. PAPAVALASSIOU  
25 Deputy Attorney General  
26 *Attorneys for Complainant*

27 OK2019900632 91390507.docx



**Exhibit A**

**Statement of Issues No. 6854**

1 XAVIER BECERRA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 TIMOTHY FROEHLE  
Deputy Attorney General  
4 State Bar No. 279337  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0004  
Facsimile: (510) 622-2270  
7 E-mail: Tim.Froehle@doj.ca.gov  
*Attorneys for Complainant*  
8

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

13 In the Matter of the Statement of Issues  
Against:  
14 **DUET PHARMACY**  
15 **Community Pharmacy Permit Applicant**  
16 Respondent.  
17

Case No. 6854

**STATEMENT OF ISSUES**

18  
19  
20  
21 **PARTIES**

22 1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official  
23 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
24 2. On or about January 14, 2019, the Board of Pharmacy, Department of Consumer  
25 Affairs received an application for a Community Pharmacy Permit from Duet Pharmacy  
26 (Respondent). On or about January 11, 2019, Respondent certified under penalty of perjury to the  
27 truthfulness of all statements, answers, and representations in the application. The Board denied  
28 the application on October 8, 2019.

1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board of Pharmacy (Board),  
3 Department of Consumer Affairs, under the authority of the following laws. All section  
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 4. Section 118, subdivision (a), of the Code states:

6 “(a) The withdrawal of an application for a license after it has been filed with a board in  
7 the department shall not, unless the board has consented in writing to such withdrawal, deprive  
8 the board of its authority to institute or continue a proceeding against the applicant for the denial  
9 of the license upon any ground provided by law or to enter an order denying the license upon any  
10 such ground.”

11 **STATUTORY PROVISIONS**

12 5. Section 480 of the Code states, in relevant part:

13 “(a) A board may deny a license regulated by this code on the grounds that the applicant  
14 has one of the following:

15 . . .

16 “(3)(A) Done any act that if done by a licentiate of the business or profession in  
17 question, would be grounds for suspension or revocation of license.

18 . . .”

19 6. Section 4301 of the Code states:

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

23 . . .

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

27 . . .”

28 7. Section 4302 of the Code states:



1 15. Alphascript Inc. previously operated a pharmacy located at 1160 Industrial Road #17,  
2 San Carlos, California, under Original Permit Number PHY 50690, until that license was  
3 cancelled on or about September 22, 2018, due to change of ownership and location. At the time  
4 of cancellation, Mr. Zukin was listed in the Board's records as Alphascript Inc.'s CEO and 100-  
5 percent shareholder. Mr. Han was listed in the Board's records as COO and pharmacist-in-  
6 charge.

7 16. Mr. Zukin is also currently listed in the Board's records as the CEO and 100-percent  
8 shareholder of Medical Plaza Pharmacy, Original Permit Number PHY 45166. Mr. Han is  
9 currently listed as the pharmacist-in-charge at Medical Plaza Pharmacy.

10 17. On March 25, 2019, the Board's inspector obtained records of dispensed prescriptions  
11 and purchases of certain medications between April 11, 2016, and March 25, 2019, for  
12 Alphascript Inc. and Medical Plaza Pharmacy. The Board's inspector conducted an audit to  
13 determine whether certain drug stock was properly maintained. The inspector compared the  
14 difference between quantities dispensed and quantities purchased. Under proper pharmacy  
15 operations, these amounts would be close to the same.

16 18. The Board's inspector analyzed purchase and dispense records of Alphascript (PHY  
17 56162) between September 22, 2018 and March 25, 2019, and determined substantial  
18 discrepancies in the following drugs:

<b>Drug</b>	<b>Amount Purchased</b>	<b>Amount Dispensed/Billed to Insurance</b>	<b>Total Cost to Pharmacy</b>	<b>Overage Billed to Insurance</b>
Sensipar	14,670	24,786	\$1,005,052	\$410,195
Prograf (tacrolimus) <sup>1</sup>	357,150 mg	405,526 mg	\$2,637,143	>\$300,000

19  
20  
21  
22  
23 19. The Board's inspector analyzed purchase and dispense records of Medical Plaza  
24 Pharmacy between March 25, 2016, through March 25, 2019, and determined substantial  
25 discrepancies in the following drugs:

26 ///

27 <sup>1</sup> Because Alphascript compounded preparations containing Prograf and the generic  
28 tacrolimus, the Board's inspector converted all quantities of this drug to milligrams to account for  
drugs dispensed as compounds but not purchased in that form.



<b>Drug</b>	<b>Discrepancy - Positive # reflects overage</b>	<b>Total Cost to Pharmacy</b>
Genvoya	(10,590)	(\$1,016,184)
Sensipar 30 mg	10,389	\$267,759
Sensipar 60 mg	4,740	\$244,141
Sensipar 90 mg	150	\$11,742
Triumeq	(1,132)	(\$103,287)
Truvada	(8,853)	(\$469,788)
Prograf/tacrolimus mg total	155,281	\$2,637,144

22. The Board's inspector further analyzed records of Alphascript (PHY 56162) from between April 11, 2016, and August 31, 2018, and compared purchases and dispersions in that time period to those of Medical Plaza Pharmacy from the same time period. The following discrepancies persisted:

<b>Drug</b>	<b>Discrepancy - Positive # reflects overage</b>	<b>Total Cost</b>
Genvoya	7,012	\$787,384
Sensipar 30 mg	3,258	\$102,317
Sensipar 60 mg	375	\$23,559
Sensipar 90 mg	1,489	\$140,602
Triumeq	2711	\$287,533
Truvada	10,445	\$647,901
Prograf/tacrolimus mg total	1,110,952	\$5,216,923

**CAUSE FOR DENIAL OF APPLICATION**

(Fraudulent Act)

23. Respondent has subjected its application to denial under Code section 480, subdivision (a)(3)(A), in reference to Code sections 4301 and 4302, in that conditions exist in

1 relation to Respondent's CEO/President/Treasurer/Secretary/Director and COO that would  
2 constitute grounds for disciplinary action against them and related entities Alphascript Inc. and  
3 Medical Plaza Pharmacy due to acts involving fraud, deceit, or corruption and that such acts, if  
4 done by a licentiate pharmacy would be grounds for suspension or revocation of license. The  
5 circumstances are described above in paragraphs 13 through 22.

6 **PRAYER**

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

- 9 1. Denying the application of Duet Pharmacy for a Community Pharmacy Permit;  
10 2. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: 9/3/2020

*Anne Sodergren*

\_\_\_\_\_  
ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

13  
14  
15  
16  
17 OK2019900632  
18 91210137.docx  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28