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of the State of California
2 SUSAN MELTON WILSON, State Bar No. 106092
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4 Los Angeles, CA 90013
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2050

12 SOS INTERNATIONAL, INC.
d.b.a. THE MEDICINE SHOPPE
13 FAHIM SHAH, Sole Owner
Pharmacy Permit No. PHY 41178

OAH No. L-2002050069

**STIPULATION DECISION
AND ORDER**

14 and

15 MARK ALAN KAPLAN
Pharmacist License No. RPH 29437

16 and

17 SANG SIN CHO,
a.k.a. SARAH CHO
18 Pharmacist License No. RPH 47129, et al.,

19 Respondents.

20
21 In the interest of a prompt and speedy settlement of this matter, consistent with the
22 public interest and the responsibility of the Board of Pharmacy (hereinafter "Board") the parties
23 submit this Stipulation, Decision and Order to the Board for its approval as the final disposition
24 of the Accusation.

25 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES TO THE
26 ABOVE-ENTITLED CASE that the following matters are true:

27 1. Accusation No. 2050 is currently pending against Respondent SOS
28 International Inc., a corporation, d.b.a. The Medicine Shoppe (hereinafter "Respondent

1 Pharmacy"). The Board issued Original Permit Number PHY 41178 to Fahim Shah as president
2 and sole owner of SOS International Inc., to do business as " The Medicine Shoppe" on or about
3 December 4, 1995 . The license was in full force and effect at all times referenced in the
4 Accusation.

5 2. The Accusation is also brought against Respondent Mark Alan Kaplan as
6 an individual licensee and Pharmacist-in-Charge of Respondent Pharmacy ("Respondent
7 Kaplan"). Respondent Kaplan was initially issued Original Licentiate Number RPH 29437 on
8 May 21, 1975. The license was in full force and effect and Respondent Kaplan was pharmacist-
9 in-charge of Respondent Pharmacy at all times relevant herein.

10 3. The Accusation is also brought against Respondent Sarah Sin Cho, a.k.a.
11 Sarah Cho as an individual licensee ("Respondent Cho"). Respondent Cho was initially issued
12 Original Licentiate Number RPH 47129 on June 2, 1994. At all times relevant herein the license
13 was in full force and effect.

14 4. Said Accusation was filed by Complainant PATRICIA F. HARRIS in her
15 official capacity as Executive Officer, Board of Pharmacy, Department of Consumer Affairs,
16 State of California, (hereinafter referred to as "Board"). The Accusation, together with all other
17 statutorily required documents, was duly served on all Respondents on or about August 19, 1998
18 and Respondents filed their timely Notice(s) of Defense contesting the Accusation. A copy of
19 Accusation No. 2050 is attached hereto as **Exhibit "A"** and incorporated herein by reference as
20 though fully set forth.

21 5. Complainant herein is represented by the Attorney General of the State
22 of California, Susan Melton Wilson, Deputy Attorney General.

23 6. Respondent Pharmacy appears by and through the president and sole
24 owner of the corporate license holder, Fahim Shah, and is advised and represented by Law
25 Offices of Rosenmund, Baio & Morrow, by Michael A. Morrow, and Law Offices of Richard W.
26 Tentler by Richard W. Tentler.

27 Respondent Kaplan is advised and represented by Law Offices of
28 Rosenmund, Baio & Morrow, by Michael A. Morrow, and Law Offices of Richard W. Tenler by

1 Richard W. Tentler.

2 Respondent Cho is advised and represented by Law Offices of Ted K.
3 Yoon by Ted K. Yoon.

4 7. Respondents and each of them have carefully read the Accusation.
5 Respondents, and each of them, understand the nature of the charges stated in the Accusation
6 and that the charges and allegations constitute prima facie cause for imposing discipline upon
7 their licenses.

8 8. Respondents and each of them are fully aware of their right to a hearing
9 on the charges and allegations contained in said Accusation, their rights to reconsideration,
10 appeal and all other rights accorded pursuant to the California Business and Professions Code
11 and freely and voluntarily waive such rights.

12 9. Respondents and each of them understand that no hearing will be held
13 and no witnesses will be called and examined before the Board, no evidence or documents will
14 be introduced, and that the Board, in making its Decision and Order on the Accusation will only
15 have before it the Accusation and this Stipulation. Respondents understand that by entering into
16 this Stipulation they give up their right to confront and cross-examine any and all witnesses
17 against them.

18 10. Respondents and each of them understand that by entering into this
19 Stipulation they give up their right to seek reconsideration or to appeal to the courts of the State
20 of California any Decision and Order of the Board on the Accusation, and that by entering into
21 this Stipulation the Board may enter a final non-reviewable Decision and Order on the
22 Accusation.

23 11. The following admissions are for purposes of this Stipulation only, and are
24 made with the express understanding that any admissions made here are not to be used or
25 admissible in any collateral proceeding between any Respondent (s) and any party or parties
26 other than the Board of Pharmacy:

27 (a) Respondent SOS International Inc., by and through its president and
28 sole owner, Fahim Shah, admits all allegations of the Accusation, and that Respondent Pharmacy

1 has subjected its license to discipline for violation of Business and Professions Code sections
2 4301(o) and 4110(a) for unprofessional conduct.

3 (b) Respondent Kaplan admits all allegations of the Accusation,
4 and that he has subjected his license to discipline under Business and Professions Code sections
5 4301(a) and 4110(a) for unprofessional conduct.

6 (c) Respondent Cho admits all allegations of the Accusation,
7 and that she has subjected her license to discipline under Business and Professions Code sections
8 4301(a) and 4110(a) for unprofessional conduct.

9 (d) Respondents and each of them admit that the Board has
10 jurisdiction to bring and adjudicate all charges stated in the Accusation herein, and to impose
11 disciplinary penalties in this matter.

12 (e) In view of and based on the foregoing admissions, Respondents,
13 and each of them agree to resolve charges and allegations made in the Accusation herein by the
14 Board's imposition of penalty as set out in this Stipulation and the Order below.

15 12. It is stipulated and agreed that the Board had incurred costs within the
16 meaning of Business and Professions Code § 125.3 in the total sum of six thousand dollars
17 (\$6,000.00) in investigation and prosecution of this matter, to be apportioned as follows:

18 (a) Respondent Pharmacy will repay five thousand dollars (\$5,000.00)
19 of this sum as a condition of probation, as more fully set forth in CONDITION 5 , below.

20 (b) In consideration of this settlement agreement, Respondent
21 Kaplan has agreed to reimburse a portion of said costs in the amount of five hundred dollars
22 (\$500.00), to be paid within ninety (90) days of the effective date of the Board's Order.

23 (c) In consideration of this settlement agreement, Respondent Cho
24 has agreed to reimburse a portion of said costs in the amount of five hundred dollars (\$500.00),
25 to be paid within ninety (90) days of the effective date of the Board's Order.

26 13. Based upon all of the foregoing stipulations and recitals, it is stipulated
27 and agreed that Complainant will withdraw the Accusation in this matter against Individual
28 Respondents MARK ALAN KAPLAN and SANG SIN CHO a.k..a. SARAH CHO only; and

1 substitute a public reprimand by the Board to Respondents Kaplan and Cho, and each of them, in
2 connection with this matter.

3 14. This stipulation is solely for purposes of this proceeding, for any other
4 disciplinary proceedings by the Board, and for any petition for reinstatement, reduction of
5 penalty, or application for re-licensure, and shall have no force or effect in any other case or
6 proceeding. In any future proceedings before the Board, or in which the Board of Pharmacy and
7 any Respondent(s) are parties, Respondents and each of them may not deny the allegations
8 admitted in paragraph 11 above, and said allegations shall be deemed true without requiring the
9 Board to present any further evidence.

10 15. In the event this settlement is not adopted by the Board, this Stipulation
11 will not become effective and may not be used for any purpose.

12 16. Respondents, and each of them, understand that, in deciding whether to
13 adopt this Stipulation, the Board may receive oral and written presentations from, and make
14 inquiries of the complainant, her attorneys, the Board's attorneys, consulting experts and the
15 Board's enforcement committee.

16 17. A facsimile signature on this document shall be binding as an original
17 signature. Respondents and each of them expressly authorize use of facsimile signatures in lieu
18 of original signatures for all purposes relevant to the disposition of this matter and enforcement
19 of the Stipulation.

20 **WHEREFORE IT IS FURTHER STIPULATED AND AGREED** by and
21 between the parties that the Board may issue the following disciplinary decision or order as its
22 decision and order in the matter of Accusation Number 2050.

23 **IT IS HEREBY ORDERED AS FOLLOWS:**

24 **Re: Respondents Kaplan and Cho**

25 The Accusation in this matter against Individual Respondents MARK ALAN
26 KAPLAN and SANG SIN CHO a.k.a. SARAH CHO only is hereby withdrawn. It is hereby
27 ordered that a formal public reprimand be issued against Respondents Kaplan and Cho, and each
28 of them, in connection with this matter.

1 Respondents Kaplan and Cho, are each further ordered to pay a portion of costs in
2 the sum amount of Five Hundred dollars (\$500.00) within ninety (90) days of the effective date
3 of the Order.

4 **Re: Respondent SOS INTERNATIONAL INC.**

5 Pharmacy Permit Number PHY 41178 issued to SOS International Inc., d.b.a. The
6 Medicine Shoppe, **is revoked**. However, said revocation is stayed, and the license placed on
7 probation for three (3) years upon the following terms and conditions, which must be complied
8 with during the probation:

9 **1. Obey All Laws**

10 Respondent shall obey all state and federal laws and regulations substantially
11 related to or governing the practice of pharmacy.

12 Respondent shall report any of the following occurrences to the board, in writing,
13 within 72 hours of such occurrence:

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

24 **2. Reporting to the Board**

25 Respondent shall report to the board quarterly. The report shall be made either
26 in person or in writing, as directed. Respondent shall state under penalty of perjury whether
27 there has been compliance with all the terms and conditions of probation. If the final
28 probation report **is not** made as directed, probation shall be extended automatically until such

1 time as the final report is made and accepted by the board.

2 **3. Interview with the Board**

3 Upon receipt of reasonable notice, respondent shall appear in person for
4 interviews with the board upon request at various intervals at a location to be determined by
5 the board. Failure to appear for a scheduled interview without prior notification to board staff
6 shall be considered a violation of probation.

7 **4. Cooperation with Board Staff**

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

11 **5. Reimbursement of Board Costs**

12 Respondent shall pay to the board its costs of investigation and prosecution in
13 the amount of five thousand dollars \$ 5, 000.00 . Respondent shall make said payment within
14 ninety (90) days of the effective date of the Order.

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

17 **6. Probation Monitoring Costs**

18 Respondent shall pay the costs associated with probation monitoring as
19 determined by the board each and every year of probation. Such costs shall be payable to the
20 board at the end of each year of probation. Failure to pay such costs shall be considered a
21 violation of probation.

22 **7. Status of License**

23 Respondent shall, at all times while on probation, maintain a current license
24 with the board. If respondent submits an application to the board, and the application is
25 approved, for a change of location, change of permit or change of ownership, the board shall
26 retain continuing jurisdiction over the license, and the respondent shall remain on probation as
27 determined by the board.

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1 **8. License Surrender While On Probation/Suspension**

2 Following the effective date of this decision, should respondent cease practice
3 due to retirement or health, or be otherwise unable to satisfy the terms and conditions of
4 probation, respondent may tender his or her license to the board for surrender. The board shall
5 have the discretion whether to grant the request for surrender or take any action it deems
6 appropriate and reasonable. Upon formal acceptance of the surrender of the license,
7 respondent will no longer be subject to the terms and conditions of probation.

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

13 **9. Notice of Employees**

14 Respondent shall, upon or before the effective date of this decision, ensure that
15 all employees involved in permit operations are made aware of all the terms and conditions of
16 probation, either by posting a notice of the terms and conditions, circulating such notice, or
17 both. If the notice required by this provision is posted, it shall be posted in a prominent place
18 and shall remain posted throughout the probation period. Respondent shall ensure that any
19 employees hired or used after the effective date of this decision are made aware of the terms
20 and conditions by posting a notice, circulating a notice, or both.

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

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

25 Respondent shall provide, within thirty (30) days after the effective date of this
26 decision, signed and dated statements from its owners, including any owner or holder of 10%

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1 or more of the interest in respondent or respondent's stock, and any officer, stating said
2 individuals have read and are familiar with state and federal laws and regulations governing
3 the practice of pharmacy.

4 **11. Violation of Probation**

5 If respondent violates probation in any respect, the board, after giving
6 respondent notice and an opportunity to be heard, may revoke probation and carry out the
7 disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed
8 against respondent during probation, the board shall have continuing jurisdiction and the
9 period of probation shall be extended, until the petition to revoke probation or accusation is
10 heard and decided.

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

16 **12. Completion of Probation**

17 Upon successful completion of probation, respondent's license will be fully
18 restored.

19 **13. No Ownership of Premises**

20 Respondent shall not acquire any new ownership, legal or beneficial interest
21 nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner
22 of any additional business, firm, partnership, or corporation licensed by the board. If
23 respondent currently owns or has any legal or beneficial interest in, or serves as a manager,
24 administrator, member, officer, director, associate, or partner of any business, firm,
25 partnership, or corporation currently or hereinafter licensed by the board, respondent may
26 continue to serve in such capacity or hold that interest, but only to the extent of that position
27 or interest as of the effective of this decision.

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CONTINGENCY

This stipulation shall be subject to the approval of the Board. If the Board fails to adopt this stipulation as its Order, the stipulation shall be of no force or effect for either party, nor shall it be mentioned or referred to in any legal action between the parties.

I concur in this stipulation, which is submitted to the Board of Pharmacy for consideration as its decision in Case No. 2050.

DATED: 11-26-03


SUSAN MELTON WILSON
Deputy Attorney General

Attorney for Complainant

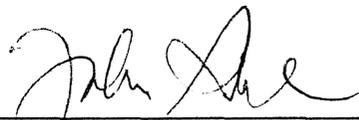
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ACCEPTANCE OF STIPULATION

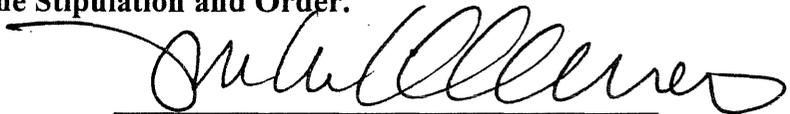
I have the authority and am otherwise authorized to enter into this agreement on behalf of Respondent SOS International Inc., d.b.a. The Medicine Shoppe, holder of original pharmacy permit no. PHY41178. I have carefully read and fully understand the terms and conditions set forth in the Stipulation, Decision and Order, and have discussed this agreement with my attorneys, Law Offices of Rosenmund, Baio & Morrow, and Law Offices of Richard W. Tentler. I understand that in signing this Stipulation I am, as sole owner of the corporate license holder, waiving all rights to a hearing on the charges set forth in the Accusation on file in this matter. I further understand in signing this Stipulation, that the Board shall enter the foregoing order by which the license of the pharmacy shall be revoked, revocation stayed and placed on three years probation.

Dated: 10/11/03

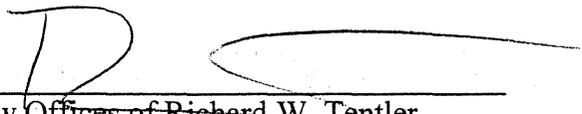

FAHIM SHAH, President and Owner
SOS International, Inc.

I concur in the Stipulation and Order.

Dated: 11/24/03


Law Offices of Rosenmund, Baio & Morrow
by Michael A. Morrow
Attorney for Respondent SOS International, Inc.

Dated: 11/24/03


~~Law Offices of Richard W. Tentler~~
by Richard L. Tentler
Attorney for Respondent SOS International, Inc.

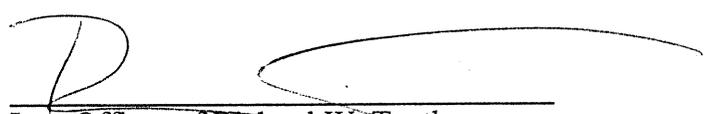
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I, MARK ALAN KAPLAN, have carefully read and fully understand this stipulation and order set forth above. I have discussed the terms and conditions set forth in the stipulation and order with my attorneys, Law Offices of Rosenmund, Baio & Morrow and Law Offices of Richard W. Tentler. I understand that in signing this stipulation I am waiving my right to a hearing on the charges set forth in Accusation No. 2050, "Exhibit A" to this Stipulation. I further understand that in signing this stipulation, the Board shall enter the foregoing order by which my license will be disciplined.

Dated: 11/10/03 
MARK ALAN KAPLAN
Respondent

I concur in the Stipulation and Order.

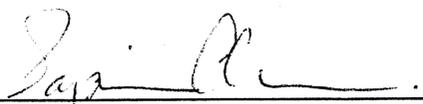
Dated: 11/24/03 
Law Offices of Rosenmund, Baio & Morrow
by Michael A. Morrow
Attorney for Respondent MARK ALAN KAPLAN

Dated: 11/24/03 
Law Offices of Richard W. Tentler
by Richard L. Tentler
Attorney for Respondent MARK ALAN KAPLAN

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I, SANG SIN CHO, also known as SARAH CHO, have carefully read and fully understand this stipulation and order set forth above. I have discussed the terms and conditions set forth in the stipulation and order with my attorney, Law Offices of Ted K Yoon by Ted K. Yoon. I understand that in signing this stipulation I am waiving my right to a hearing on the charges set forth in Accusation No. 2050, "Exhibit A" to this Stipulation. I further understand that in signing this stipulation, the Board shall enter the foregoing order by which my license will be disciplined.

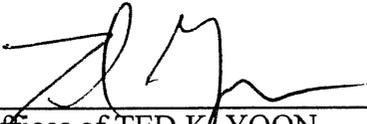
Dated: Aug 30 2003



SANG SIN CHO
a.k.a. SARAH CHO
Respondent

I concur in the Stipulation and Order

Dated: 9/4/03



Law Offices of TED K YOON
By: TED K. YOON
Attorney for Respondent SARAH CHO

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2
3 **BEFORE THE**
4 **PHARMACY BOARD**
5 **DEPARTMENT OF CONSUMER AFFAIRS**
6 **STATE OF CALIFORNIA**

7 In the Matter of the Accusation Against:

Case No. 2050
OAH Case No. L-2002050069

8 SOS INTERNATIONAL, INC.
9 d.b.a. THE MEDICINE SHOPPE
10 FAHIM SHAH, Sole Owner
11 Pharmacy Permit No. PHY 41178

12 and

13 MARK ALAN KAPLAN
14 Pharmacist License No. RPH 29437

15 and

16 SANG SIN CHO,
17 a.k.a. SARAH CHO
18 Pharmacist License No. RPH 47129, et al.,

19 Respondents.

20 **DECISION AND ORDER**

21 The foregoing Stipulation, Decision and Order in case no. 2050, is hereby
22 adopted as the Order of the California Board of Pharmacy.

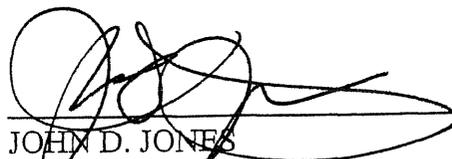
23 An effective date of February 6, 2004, ~~2003~~ has been assigned to this
24 Decision and Order.

25 Made this 7th day of January, 2004, ~~2003~~

26 It is so ORDERED January 7, 2004.

27 BOARD OF PHARMACY
28 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By


JOHN D. JONES
Board President

1 BILL LOCKYER, Attorney General
of the State of California
2 SUSAN MELTON WILSON, (State Bar No. 106092)
Department of Justice
3 300 South Spring Street
Los Angeles, California 90013
4 Telephone: (213) 897-4942

5 Attorneys for Complainant

6 BEFORE THE
BOARD OF PHARMACY
7 DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
8

9 In the Matter of the Accusation) No. 2050
Against:)

10 SOS INTERNATIONAL, INC.,) ACCUSATION
11 dba THE MEDICINE SHOPPE)
2196 South Saviers Road)
12 Oxnard, CA 93033)
FAHIM SHAH, Sole Owner)
13 Pharmacy Permit No. PHY 41178)

14 and)

15 PORTARO PHARMACIES, INC.,)
dba CLINICAL CARE PHARMACY)
16 2596 Mission Street)
San Marino, CA 91108)
17 Pharmacy Permit No. 41242)

18 and)

19 THOMAS SHILTON CORPORATION,)
dba CARE PHARMACY)
20 90 North Ashwood)
Ventura, CA 93003)
21 Pharmacy Permit no. PHY 41544)

22 and)

23 MARK ALAN KAPLAN)
678 Holly Avenue)
24 Oxnard, CA 93030)
Pharmacist License No. RPH 29437)

25 and)

26 SANG SIN CHO aka)
27 SARAH CHO)
8514 Independence Avenue)
28 Canoga Park, CA 91304)
Pharmacist License No. RPH 47129)

1 indicated from December 15, 1995 until April 21, 1997. The
2 pharmacy permit was in full force and effect until December 1,
3 1997. The pharmacy discontinued business on March 24, 1997.
4 Betty Chin Wong (named as a respondent herein) was the
5 Pharmacist-in-charge from December 15, 1995 until March 21, 1997,
6 and at all times relevant herein.

7 4. On or about December 23, 1996, the Board of
8 Pharmacy issued Original Licentiate No. RPH 41544 to Thomas
9 Shilton Corporation, to do business as Care Pharmacy in the State
10 of California. Corporate officers were Roger T. Holbrook,
11 President, and Tanny S. Holbrook, Secretary. Said officers held
12 the positions as indicated from December 23, 1996 to the present.
13 The permit was in full force at all times relevant herein and
14 will expire on December 1, 1999. Roger Holbrook (named as a
15 respondent herein) has been Pharmacist-in-charge since December
16 23, 1996 and at all times relevant herein.

17 5. On or about May 21, 1975, the Board of Pharmacy
18 issued Original Licentiate No. 29437 to Mark Alan Kaplan to
19 practice pharmacy in the State of California. Said license was,
20 at all times relevant herein, in full force and effect and will
21 expire on April 30, 2000, unless renewed.

22 6. On or about June 2, 1994, the Board of Pharmacy
23 issued Original Licentiate No. RPH 47129 to Sang Sin Cho aka
24 Sarah Cho to practice pharmacy in the State of California. Said
25 license was in full force and effect at all times relevant herein
26 and will expire on January 31, 2000, unless renewed.

27 7. On or about March 20, 1987, the Board of Pharmacy
28 issued Original Licentiate No. RPH 40829 to Betty Chin Wong, aka

1 Betty Yee Chin to practice pharmacy in the State of California.
2 Said license was in full force and effect at all times relevant
3 herein and will expire on October 31, 2000.

4 8. On or about August 1, 1967, the Board of Pharmacy
5 issued Original Licentiate No. RPH 25044 to Roger Truman Holbrook
6 to practice pharmacy in the State of California. Said license
7 was in full force at all times relevant herein and will expire on
8 May 31, 2001.

9 9. On or about December 21, 1995, the Board of
10 Pharmacy issued Original Medical Device Retailer Permit Number
11 MDR 1545 to Cindy Chon (named as a respondent in the matter of
12 the accusation against Cindy Hyunshin Chon, case no. 2049-A) as
13 sole owner of SOS International, Inc., to do business as
14 Therapeutic Home Care. On that date, the Board of Pharmacy also
15 issued to Chon Exemption Certificate No. EXM 12989 permitting her
16 to oversee the operations of a medical devise retailer. The
17 permit and exemption were both in full force and effect at all
18 times pertinent herein.

19 10. Business and Professions Code section 4110(a)
20 provides that no person shall conduct a pharmacy in the State of
21 California without a current, valid pharmacy license.

22 11. Under Business and Professions Code section 4300
23 the Board of Pharmacy may revoke or suspend any license issued by
24 the Board for violation of provisions of the laws governing
25 pharmacy.

26 12. Under Business and Professions Code section 4301
27 the Board of Pharmacy shall take action against any holder of a
28 license who is guilty of "unprofessional conduct". The term

1 unprofessional conduct is expressly defined in subsection "o" to
2 include violating or attempting to violate, directly or
3 indirectly, or assisting or abetting the violation of or
4 conspiring to violate any state or federal laws or regulations
5 governing pharmacy.

6 13. Under Business and Professions Code section 125.3,
7 the Board may request the administrative law judge to direct a
8 licentiate found to have committed a violation of the licensing
9 act to pay a sum not to exceed the reasonable costs of the
10 investigation and prosecution of the case.

11 **14. Drug Classifications**

12 Total parenteral nutrition (TPN) solutions, comprised
13 of Dextrose in Water, 10% to 40%, and Aminosyn with Lytes 8.5%
14 (Amino Acids and electrolytes for intravenous administration) are
15 legend, non-controlled drugs as defined in Business and
16 Professions Code section 4022(a).

17 15. Respondents **Medicine Shoppe** and **Mark Alan Kaplan**
18 have subjected their licenses to discipline under Business and
19 Professions Code section 4301(o) and 4110(a) in that they
20 transferred **Medicine Shoppe's** license by allowing Chon to use the
21 pharmacy to compound and dispense TPN solution prescriptions for
22 THC's patients, and otherwise aided and abetted the unlicensed
23 practice of pharmacy by Cindy Chon/Therapeutic Home Care, by
24 reason of the following facts:

25 Between December 1995, and April 1996, Cindy Chon, sole
26 owner of and doing business as Therapeutic Home Care ("THC"),
27 established a business relationship with Respondent **Medicine**
28 **Shoppe** (hereinafter "**Shoppe**") by which **Shoppe** dispensed total

1 parenteral nutrition (TPN) solutions for THC.

2 Starting in April 1996, THC was allowed to actually mix
3 and dispense THC prescriptions from the **Shoppe** paying monthly
4 rental for facilities on the premises. THC patients were billed
5 for prescriptions filled in this manner. Respondent **Sang Sin Cho**,
6 an employee of THC, worked two or three days a week at **Shoppe**,
7 mixing and dispensing TPN solutions, accepting drug
8 prescriptions, placing drug orders in the name of **Shoppe** or other
9 licensees, and billing insurance companies for filled THC
10 prescriptions. These practices continued until about August 13,
11 1996, at which time **Shoppe** terminated its relationship with THC.

12 On August 16, 1996, Chon placed a drug order with
13 Abbott Labs totalling \$666, then directed Chon's husband to pick
14 up the order at Abbott's Santa Fe Springs warehouse. Chon's
15 husband then delivered the Abbott drugs to Respondent **Clinical**
16 **Care Pharmacy**, which used these drugs to compound THC's TPN
17 prescriptions. Chon further arranged in mid-August 1996, to have
18 Respondent **Care Pharmacy** compound THC's TPN prescriptions. This
19 activity continued until November 22, 1996.

20 At least fifteen (15) Abbott Labs invoices dated 1996
21 show legend drug orders for Respondent **Medicine Shoppe** placed by
22 employees of THC, including Respondent **Cho**.

23 At all times relevant herein, Respondent **Mark Allen**
24 **Kaplan** was pharmacist-in-charge of Respondent **Shoppe**.

25 16. Respondent **Sang Sin Cho** has subjected her license
26 to discipline under Business and Professions Code section 4301(o)
27 and 4110(a) for mixing and dispensing TPN solutions, accepting
28 drug prescriptions, placing drug orders in the name of other

