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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation and Petition to  
12 Revoke Probation Against:

Case No. 5599

13 **KIRPAL ENTERPRISES, INC. dba THE**  
14 **MEDICINE SHOPPE NO. 0821, KIRPAL**  
15 **S. GAGNEJA, PRESIDENT, RPH 46385,**  
16 **STEPHEN CHERMAN, PHARMACIST-**  
17 **IN- CHARGE**

**ACCUSATION AND PETITION TO**  
**REVOKE PROBATION**

16 **16915 Devonshire Street**  
**Granada Hills, CA 91344**

17 **Original Pharmacy Permit No. 46075**

18 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation and Petition to Revoke  
23 Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy,  
24 Department of Consumer Affairs.

25 2. On about October 10, 2002, the Board of Pharmacy issued Original Pharmacy Permit  
26 Number 46075 to Kirpal Enterprises, Inc. to do business as The Medicine Shoppe No. 0821  
27 (Respondent Medicine Shoppe) with Kirpal S. Gagneja (RPH 46385) as President and Stephen  
28 Cherman as Pharmacist-in-Charge. The Original Pharmacy Permit was in full force and effect at

1 all times relevant to the charges brought herein and will expire on October 1, 2016, unless  
2 renewed.

3 **PROBATIONARY TERMS**

4 3. In a disciplinary action entitled "In the Matter of the Accusation Against Kirpal  
5 Enterprises, Inc. dba The Medicine Shoppe No. 0821, Kirpal S. Gagneja, President, RPH 46385,  
6 Stephen Cherman, Pharmacist-in-Charge and Stephan Alan Cherman, RPH 26341" Case No.  
7 3920, the Board of Pharmacy issued a Decision and Order effective October 22, 2014, in which  
8 Respondent Medicine Shoppe's Original Pharmacy Permit and Respondent Cherman's Original  
9 Pharmacist License were revoked. However, the revocations were stayed and Respondent  
10 Medicine Shoppe's Original Pharmacy Permit and Respondent Cherman's Original Pharmacist  
11 License were placed on probation for four (4) years with certain terms and conditions. A copy of  
12 that Decision and Order is attached as Exhibit A and is incorporated by reference.

13 **JURISDICTION**

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

17 5. Section 118, subdivision (b), of the Code provides that the  
18 suspension/expiration/surrender/cancellation of a license shall not deprive the  
19 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period  
20 within which the license may be renewed, restored, reissued or reinstated.

21 6. Section 4300(a) of the Code states that every license issued by the Board may be  
22 suspended or revoked.

23 7. Section 4300.1 of the Code states:

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

1 **REGULATORY PROVISIONS**

2 8. California Code of Regulations, title 16, section 1709, states:

3 . . . .

4 “(b) Any transfer, in a single transaction or in a series of transactions, of 10 percent or more  
5 of the beneficial interest in a business entity licensed by the board to a person or entity who did  
6 not hold a beneficial interest at the time the original permit was issued, shall require written  
7 notification to the board within 30 days.

8 “(c) The following shall constitute a transfer of permit and require application for a change  
9 of ownership: any transfer of a beneficial interest in a business entity licensed by the board, in a  
10 single transaction or in a series of transactions, to any person or entity, which transfer results in  
11 the transferee's holding 50% or more of the beneficial interest in that license.”

12 **COST RECOVERY**

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

19 **ACCUSATION AGAINST RESPONDENT MEDICINE SHOPPE**

20 **FIRST CAUSE FOR DISCIPLINE**

21 (Change of Ownership-Transfer of Beneficial Interest; Failure to Notify the Board)

22 10. Respondent Medicine Shoppe is subject to disciplinary action under California Code  
23 of Regulation, title 16, section 1709, subdivision (b), in that Respondent Medicine Shoppe did not  
24 give written notification to the Board within 30 days of the transfer, in a transaction, of 10 percent  
25 or more of the beneficial interest in a business entity licensed by the board to a person or entity  
26 who did not hold a beneficial interest at the time the original permit was issued. The  
27 circumstances are as follows:

28 ///



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

7 14. Grounds exist to revoke Respondent Medicine Shoppe probation and reimpose the  
8 order of revocation of Respondent Medicine Shoppe's Original Pharmacy Permit in that it has  
9 violated the term and condition of it's probation as follows:

10 **CAUSE TO REVOKE PROBATION**

11 (Change of Ownership-Transfer of Beneficial Interest; Failure to Notify the Board)

12 19. At all times after the effective date of Respondent Medicine Shoppe's probation,  
13 Condition 11 stated:

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

20 20. Respondent Medicine Shoppe's probation is subject to revocation because they failed  
21 to comply with Probation Condition 11, referenced above. Complainant refers to, and by this  
22 reference incorporates, the allegation set forth in paragraph 11, as though set forth fully.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
25 Accusation and Petition to Revoke Probation, and that following the hearing, the Board of  
26 Pharmacy issue a decision:

27 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3920  
28 and imposing the disciplinary order that was stayed thereby revoking Original Pharmacy Permit

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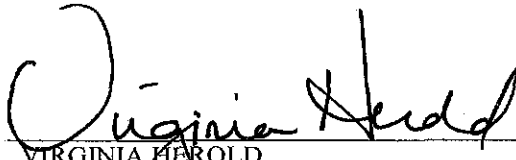
No. PHY 46075 issued to Kirpal Enterprises, Inc. to do business as The Medicine Shoppe No. 0821 with Kirpal S. Gagneja as President and Stephen Cherman as Pharmacist-in-Charge;

2. Revoking or suspending Original Pharmacy Permit No. PHY 46075 issued to Kirpal Enterprises, Inc. to do business as The Medicine Shoppe No. 0821 with Kirpal S. Gagneja as President and Stephen Cherman as Pharmacist-in-Charge;

4. Ordering Kirpal Enterprises, Inc. to do business as The Medicine Shoppe No. 0821 with Kirpal S. Gagneja as President and Stephen Cherman as Pharmacist-in-Charge 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; and

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

DATED: 2/24/16

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

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# **Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 3920**

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

In the Matter of the Accusation Against:

**KIRPAL ENTERPRISES, INC. dba THE  
MEDICINE SHOPPE NO. 0821, KIRPAL S.  
GAGNEJA, PRESIDENT, RPH 46385,  
STEPHEN CHERMAN, PHARMACIST-IN-  
CHARGE**

16915 Devonshire Street  
Granada Hills, CA 91344

Original Pharmacy Permit No. 46075

and

**STEPHEN ALAN CHERMAN**  
16915 Devonshire Street  
Granada Hills, CA 91344

Original Pharmacist License No. RPH 26341

Case No. 3920

OAH No. 2013120254

Respondents.

**DECISION AND ORDER**

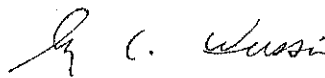
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on October 22, 2014.

It is so ORDERED on October 15, 2014.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By



\_\_\_\_\_  
STAN C. WEISSER  
Board President



1 KAMALA D. HARRIS  
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2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3920

12 **KIRPAL ENTERPRISES, INC. dba THE**  
13 **MEDICINE SHOPPE NO. 0821, KIRPAL**  
14 **S. GAGNEJA, PRESIDENT, RPH 46385,**  
**STEPHEN CHERMAN, PHARMACIST-**  
**IN- CHARGE**

OAH No. 2013120254  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

15 **16915 Devonshire Street**  
16 **Granada Hills, CA 91344**

17 **Original Pharmacy Permit No. 46075**

18 **and**

19 **STEPHEN ALAN CHERMAN**  
20 **16915 Devonshire Street**  
**Granada Hills, CA 91344**

21 **Original Pharmacist License No. RPH 26341**

22 Respondents.

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

26 **///**

27 **///**

28 **///**

1 PARTIES

2 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
3 She brought this action solely in her official capacity and is represented in this matter by Kamala  
4 D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney  
5 General.

6 2. Respondents Kirpal Enterprises, Inc. dba The Medicine Shoppe No. 0821; Stephen  
7 Cherman (Respondents) is represented in this proceeding by attorney Tony J. Park, whose address  
8 is: California Pharmacy Lawyers, 6789 Quail Hill Parkway, #405, Irvine, CA 92603.

9 **Kirpal Enterprises, Inc. dba The Medicine Shoppe No. 0821**

10 3. On or about October 10, 2002, the Board of Pharmacy issued Original Pharmacy  
11 Permit No. PHY 46075 to Kirpal Enterprises, Inc. doing business as The Medicine Shoppe No.  
12 0821; Stephen Cherman (Respondent Medicine Shoppe) with Kirpal S. Gagneja (RPH 46385) as  
13 President and Stephan Cherman as Pharmacist-in-Charge. The Original Pharmacy Permit was in  
14 full force and effect at all times relevant to the charges brought herein and will expire on October  
15 1, 2014, unless renewed.

16 **Stephen Alan Cherman**

17 4. On or about November 6, 1969, the Board of Pharmacy issued Original Pharmacist  
18 License Number RPH 26341 to Stephen Alan Cherman (Respondent Cherman). The Original  
19 Pharmacist License was in full force and effect at all times relevant to the charges brought herein  
20 and will expire on May 31, 2016, unless renewed.

21 JURISDICTION

22 5. Accusation No. 3920 was filed before the Board of Pharmacy (Board) , Department  
23 of Consumer Affairs, and is currently pending against Respondents Medicine Shoppe and  
24 Cherman. The Accusation and all other statutorily required documents were properly served on  
25 Respondents on November 22, 2013. Respondents timely filed their Notice of Defense contesting  
26 the Accusation. A copy of Accusation No. 3920 is attached as exhibit A and incorporated herein  
27 by reference.

28 ///



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

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

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

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

15 **DISCIPLINARY ORDER**

16 IT IS HEREBY ORDERED that Original Pharmacy Permit No. PHY 46075 issued to  
17 Respondent Medicine Shoppe and Original Pharmacist License Number RPH 26341 issued to  
18 Respondent Cherman are revoked. However, each revocation is stayed and each Respondent is  
19 placed on probation for four (4) years on the following terms and conditions.

20 **TERMS APPLICABLE TO BOTH RESPONDENTS**

21 **1. Obey All Laws**

22 Respondents Medicine Shoppe and Cherman shall obey all state and federal laws and  
23 regulations.

24 Respondents Medicine Shoppe and Cherman shall report any of the following occurrences  
25 to the Board, in writing, within seventy-two (72) hours of such occurrence:

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

- 1 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
- 2 criminal complaint, information or indictment
- 3 • a conviction of any crime
- 4 • discipline, citation, or other administrative action filed by any state or federal agency
- 5 which involves Respondents' licenses or which is related to the practice of pharmacy
- 6 or the manufacturing, obtaining, handling, distributing, billing, or charging for any
- 7 drug, device or controlled substance.

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

9 **2. Report to the Board**

10 Respondents Medicine Shoppe and Cherman shall report to the Board quarterly, on a  
11 schedule as directed by the Board or its designee. The report shall be made either in person or in  
12 writing, as directed. Among other requirements, each Respondent shall state in each report under  
13 penalty of perjury whether there has been compliance with all the terms and conditions of  
14 probation. Failure to submit timely reports in a form as directed shall be considered a violation of  
15 probation. Any period(s) of delinquency in submission of reports as directed may be added to the  
16 total period of probation. Moreover, if the final probation report is not made as directed,  
17 probation shall be automatically extended until such time as the final report is made and accepted  
18 by the Board.

19 **3. Interview with the Board**

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

26 **4. Cooperate with Board Staff**

27 Respondents Medicine Shoppe and Cherman shall cooperate with the Board's inspection  
28 program and with the Board's monitoring and investigation of Respondents' compliance with the

1 terms and conditions of their probation. Failure to cooperate shall be considered a violation of  
2 probation.

3 **5. Probation Monitoring Costs**

4 Respondents Medicine Shoppe and Cherman shall pay any costs associated with probation  
5 monitoring as determined by the Board each and every year of probation. Such costs shall be  
6 payable to the Board on a schedule as directed by the Board or its designee. Failure to pay such  
7 costs by the deadline(s) as directed shall be considered a violation of probation.

8 **6. Status of License**

9 Respondents Medicine Shoppe and Cherman shall, at all times while on probation, maintain  
10 an active, current license with the Board, including any period during which suspension or  
11 probation is tolled. Failure to maintain an active, current license shall be considered a violation  
12 of probation. If Respondents Medicine Shoppe and Cherman submits an application to the Board,  
13 and the application is approved, for a change of location, change of permit or change of  
14 ownership, the Board shall retain continuing jurisdiction over the license, and the Respondents  
15 Medicine Shoppe and Cherman shall remain on probation as determined by the Board.

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

20 **7. Violation of Probation**

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

26 If either Respondent violates probation in any respect, the Board, after giving Respondents  
27 notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order  
28 that was stayed. Notice and opportunity to be heard are not required for those provisions stating

1 that a violation thereof may lead to automatic termination of the stay and/or revocation of the  
2 license. If a petition to revoke probation or an accusation is filed against Respondents Medicine  
3 Shoppe and Cherman during probation, the Board shall have continuing jurisdiction and the  
4 period of probation shall be automatically extended until the petition to revoke probation or  
5 accusation is heard and decided.

6 **8. Completion of Probation**

7 Upon written notice by the Board or its designee indicating successful completion of  
8 probation, Respondents Medicine Shoppe and Cherman licenses will be fully restored.

9 **ADDITIONAL TERMS APPLICABLE TO RESPONDENT**  
10 **MEDICINE SHOPPE**

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

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

18 Upon acceptance of the surrender, Respondent Medicine Shoppe shall relinquish the  
19 premise wall and renewal license to the Board within ten (10) days of notification by the Board  
20 that the surrender is accepted. Respondent Medicine Shoppe shall further submit a completed  
21 Discontinuance of Business form according to Board guidelines and shall notify the Board of the  
22 records inventory transfer.

23 Respondent Medicine Shoppe shall also, by the effective date of this decision, arrange for  
24 the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written  
25 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that  
26 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating  
27 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five  
28 days of its provision to the pharmacy's ongoing patients, Respondent Medicine Shoppe shall

1 provide a copy of the written notice to the Board. For the purposes of this provision, "ongoing  
2 patients" means those patients for whom the pharmacy has on file a prescription with one or more  
3 refills outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty  
4 (60) days.

5 Respondent Medicine Shoppe may not apply for any new licensure from the Board for three  
6 (3) years from the effective date of the surrender. Respondent Medicine Shoppe shall meet all  
7 requirements applicable to the license sought as of the date the application for that license is  
8 submitted to the Board.

9 Respondent Medicine Shoppe further stipulates that it shall reimburse the Board for its  
10 costs of investigation and prosecution prior to the acceptance of the surrender.

#### 11 **10. Notice to Employees**

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

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

#### 25 **11. Owners and Officers: Knowledge of the Law**

26 Respondent Medicine Shoppe shall provide, within thirty (30) days after the effective date  
27 of this decision, signed and dated statements from its owners, including any owner or holder of  
28 ten percent (10%) or more of the interest in respondent or respondent's stock, and any officer,



1 stating under penalty of perjury that said individuals have read and are familiar with state and  
2 federal laws and regulations governing the practice of pharmacy. The failure to timely provide  
3 said statements under penalty of perjury shall be considered a violation of probation.

4 **12. Posted Notice of Probation**

5 Respondent Medicine Shoppe shall prominently post a probation notice provided by the  
6 Board in a place conspicuous and readable to the public. The probation notice shall remain  
7 posted during the entire period of probation

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

12 **13. Community Services Program**

13 Within sixty (60) days of the effective date of this decision, Respondent Medicine Shoppe  
14 shall submit to the Board or its designee, for prior approval, a community service program in  
15 which Respondent Medicine Shoppe shall provide free health-care related services to a  
16 community or charitable facility or agency for the amount of ten thousand dollars (\$10,000.00)  
17 within four (4) years of probation.

18 Within thirty (30) days of Board approval thereof, Respondent Medicine Shoppe shall  
19 submit documentation to the Board demonstrating commencement of the community service  
20 program. A record of this notification must be provided to the Board upon request.

21 Failure to timely submit, commence, or comply with the program shall be considered a  
22 violation of probation.

23 **14. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, Respondent Medicine  
25 Shoppe shall pay to the Board its costs of investigation and prosecution in the amount of  
26 \$3,717.12 (Three Thousand Seven Hundred Seventeen Dollars and Twelve Cents). Respondent  
27 Medicine Shoppe and Cherman shall be jointly and severally liable for payment to the Board of  
28 \$3,717.12 (Three Thousand Seven Hundred Seventeen Dollars and Twelve Cents). Respondent

1 Medicine Shoppe shall make said payments as follows: Respondent Medicine Shoppe shall make  
2 ten (10) quarterly payments of \$371.71 (Three Hundred Seventy-One Dollars and Seventy-One  
3 Cents) every ninety (90) days until the entire balance is paid in full.

4 There shall be no deviation from this schedule absent prior written approval by the Board or  
5 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
6 probation.

7 The filing of bankruptcy by Respondent Medicine Shoppe shall not relieve Respondent of  
8 its responsibility to reimburse the Board its costs of investigation and prosecution.

9  
10 **ADDITIONAL TERMS APPLICABLE TO**  
**RESPONDENT CHERMAN**

11 **15. Continuing Education**

12 Respondent Cherman shall provide evidence of efforts to maintain skill and knowledge as a  
13 pharmacist as directed by the Board or its designee.

14 **16. Notice to Employers**

15 During the period of probation, Respondent Cherman shall notify all present and  
16 prospective employers of the decision in case number 3920 and the terms, conditions and  
17 restrictions imposed on Respondent Cherman by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
19 Respondent Cherman undertaking any new employment, Respondent Cherman shall cause their  
20 direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed  
21 during Respondent Cherman's tenure of employment) and owner to report to the Board in writing  
22 acknowledging that the listed individual(s) has/have read the decision in case number 3920, and  
23 terms and conditions imposed thereby. It shall be Respondent Cherman's responsibility to ensure  
24 that their employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

25 If Respondent Cherman works for or is employed by or through a pharmacy employment  
26 service, Respondent Cherman must notify their direct supervisor, pharmacist-in-charge, and  
27 owner at every entity licensed by the Board of the terms and conditions of the decision in case  
28

1 number 3920 in advance of the Respondent Cherman commencing work at each licensed entity.  
2 A record of this notification must be provided to the Board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
4 (15) days of Respondent Cherman undertaking any new employment by or through a pharmacy  
5 employment service, Respondent Cherman shall cause their direct supervisor with the pharmacy  
6 employment service to report to the Board in writing acknowledging that they has read the  
7 decision in case number 3920 and the terms and conditions imposed thereby. It shall be  
8 Respondent Cherman's responsibility to ensure that their employer(s) and/or supervisor(s) submit  
9 timely acknowledgment(s) to the Board.

10 Failure to timely notify present or prospective employer(s) or to cause that/those  
11 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
12 probation.

13 "Employment" within the meaning of this provision shall include any full-time,  
14 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
15 position for which a pharmacist license is a requirement or criterion for employment,  
16 whether the respondent is an employee, independent contractor or volunteer.

17 **17. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
18 **Designated Representative-in-Charge, or Serving as a Consultant**

19 During the period of probation, Respondent Cherman shall not supervise any intern  
20 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity  
21 licensed by the Board nor serve as a consultant unless otherwise specified in this order.  
22 Assumption of any such unauthorized supervision responsibilities shall be considered a violation  
23 of probation.

24 **18. Reimbursement of Board Costs**

25 As a condition precedent to successful completion of probation, Respondent Cherman shall  
26 pay to the Board its costs of investigation and prosecution in the amount of \$3,717.12 (Three  
27 Thousand Seven Hundred Seventeen Dollars and Twelve Cents). Respondent Medicine Shoppe  
28 and Cherman shall be jointly and severally liable for payment to the Board of \$3,717.12 (Three

1 Thousand Seven Hundred Seventeen Dollars and Twelve Cents). Respondent Cherman shall  
2 make said payments as follows: Respondent Cherman shall make ten (10) quarterly payments of  
3 \$371.71 (Three Hundred Seventy-One Dollars and Seventy-One Cents) every ninety (90) days  
4 until the entire balance is paid in full.

5 There shall be no deviation from this schedule absent prior written approval by the Board or  
6 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
7 probation.

8 The filing of bankruptcy by Respondent Cherman shall not relieve Respondent of its  
9 responsibility to reimburse the Board its costs of investigation and prosecution.

10 **19. License Surrender While on Probation/Suspension**

11 Following the effective date of this decision, should Respondent Cherman cease practice  
12 due to retirement or health, or be otherwise unable to satisfy the terms and conditions of  
13 probation, Respondent Cherman may tender their license to the Board for surrender. The Board  
14 or its designee shall have the discretion whether to grant the request for surrender or take any  
15 other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
16 license, Respondent Cherman will no longer be subject to the terms and conditions of probation.  
17 This surrender constitutes a record of discipline and shall become a part of the Respondent's  
18 license history with the Board.

19 Upon acceptance of the surrender, Respondent Cherman shall relinquish their pocket and  
20 wall license to the Board within ten (10) days of notification by the Board that the surrender is  
21 accepted. Respondent Cherman may not reapply for any license from the Board for three (3)  
22 years from the effective date of the surrender. Respondent Cherman shall meet all requirements  
23 applicable to the license sought as of the date the application for that license is submitted to the  
24 Board, including any outstanding costs.

25 **20. Notification of a Change in Name, Residence Address, Mailing Address or**  
26 **Employment**

27 Respondent Cherman shall notify the Board in writing within ten (10) days of any change  
28 of employment. Said notification shall include the reasons for leaving, the address of the new

1 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
2 Cherman shall further notify the Board in writing within ten (10) days of a change in name,  
3 residence address, mailing address, or phone number.

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

6 **21. Tolling of Probation**

7 Except during periods of suspension, Respondent Cherman at all times while on probation,  
8 be employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any  
9 month during which this minimum is not met shall toll the period of probation, i.e., the period of  
10 probation shall be extended by one month for each month during which this minimum is not met.  
11 During any such period of tolling of probation, Respondent Cherman must nonetheless comply  
12 with all terms and conditions of probation.

13 Should Respondent Cherman, regardless of residency, for any reason (including vacation)  
14 cease practicing as a pharmacist for a minimum of 40 hours per calendar month in California,  
15 Respondent Cherman must notify the Board in writing within ten (10) days of the cessation of  
16 practice, and must further notify the Board in writing within ten (10) days of the resumption of  
17 practice. Any failure to provide such notification(s) shall be considered a violation of probation.

18 It is a violation of probation for Respondent Cherman's probation to remain tolled pursuant  
19 to the provisions of this condition for a total period, counting consecutive and non-consecutive  
20 months, exceeding thirty-six (36) months.

21 "Cessation of practice" means any calendar month during which Respondent is  
22 not practicing as a pharmacist for at least 40 (forty) hours, as defined by Business and  
23 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
24 month during which respondent is practicing as a pharmacist for at least 40 (forty)  
25 hours as a pharmacist as defined by Business and Professions Code section 4000 et  
26 seq.

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1           **22. Remedial Education**

2           Within sixty (60) days of the effective date of this decision, Respondent Cherman  
3 shall submit to the Board or its designee, for prior approval, an appropriate program of  
4 remedial education related to pharmacy management. The program of remedial education  
5 shall consist of at least ten (10) hours, which shall be completed within twelve (12) months  
6 at Respondent Cherman's own expense. All remedial education shall be in addition to, and  
7 shall not be credited toward, continuing education (CE) courses used for license renewal  
8 purposes.

9           Failure to timely submit or complete the approved remedial education shall be considered a  
10 violation of probation. The period of probation will be automatically extended until such  
11 remedial education is successfully completed and written proof, in a form acceptable to the  
12 Board, is provided to the Board or its designee.

13           Following the completion of each course, the Board or its designee may require Respondent  
14 Cherman, at his own expense, to take an approved examination to test the Respondent's  
15 knowledge of the course. If Respondent Cherman does not achieve a passing score on the  
16 examination, this failure shall be considered a violation of probation. Any such examination  
17 failure shall require Respondent Cherman to take another course approved by the Board in the  
18 same subject area.

19           **23. No Ownership of Licensed Premises**

20           Respondent Cherman shall not acquire any new ownership, legal or beneficial interest nor  
21 serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any  
22 additional business, firm, partnership, or corporation licensed by the Board. If Respondent  
23 Cherman currently owns or has any legal or beneficial interest in, or serves as a manager,  
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
25 partnership, or corporation currently or hereinafter licensed by the Board, Respondent Cherman  
26 may 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 date of this decision. Violation of this restriction shall be considered  
28 a violation of probation.

1           **24. Consultant for Owner or Pharmacist-In-Charge**

2           During the period of probation, Respondent Cherman shall not supervise any intern  
3 pharmacist or serve as a consultant to any entity licensed by the Board. Respondent Cherman  
4 may be a pharmacist-in-charge. However, if during the period of probation Respondent Cherman  
5 serves as a pharmacist-in-charge, Respondent Cherman shall retain an independent consultant at  
6 their own expense who shall be responsible for reviewing pharmacy operations on a monthly  
7 basis for compliance by Respondent with state and federal laws and regulations governing the  
8 practice of pharmacy and for compliance by Respondent with the obligations of a pharmacist-in-  
9 charge. Upon request by the Respondent, the review intervals may be decreased from a monthly  
10 basis to a quarterly basis by the Board or its designee. The consultant shall be a pharmacist  
11 licensed by and not on probation with the Board and whose name shall be submitted to the Board  
12 or its designee, for prior approval, within thirty (30) days of the effective date of this decision.  
13 Respondent Cherman shall not be a pharmacist-in-charge at more than one pharmacy or at any  
14 pharmacy of which they is not the sole owner. Failure to timely retain, seek approval of, or  
15 ensure timely reporting by the consultant shall be considered a violation of probation.

16           **25. Ethics Course**


17           Within sixty (60) calendar days of the effective date of this decision, Respondent Cherman  
18 shall enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or  
19 its designee. Failure to initiate the course during the first year of probation, and complete it  
20 within the second year of probation, is a violation of probation.

21           Respondent Cherman shall submit a certificate of completion to the Board or its designee  
22 within five days after completing the course.

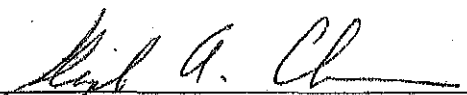
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1 ACCEPTANCE

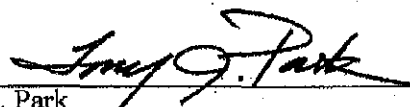
2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Tony J. Park. I understand the stipulation and the effect it will  
4 have on my Original Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary  
5 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order  
6 of the Board of Pharmacy.

7  
8 DATED: 09/01/2014   
9 KIRPAL ENTERPRISES, INC. DBA THE  
10 MEDICINE SHOPPE NO. 0821; KIRPAL S.  
11 GAGNEJA, PRESIDENT  
Respondent

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
13 discussed it with my attorney Tony J. Park. I understand the stipulation and the effect it has on  
14 my Original Pharmacist License. I enter into this settlement voluntarily, knowingly, and  
15 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

16  
17 DATED: 9/2/14   
18 STEPHEN ALAN CHERMAN  
19 Respondent

20 I have read and fully discussed with Respondent Kirpal Enterprises, Inc. dba The Medicine  
21 Shoppe No. 0821; Stephen Cherman the terms and conditions and other matters contained in the  
22 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

23  
24 DATED: 09/03/2014   
25 Tony J. Park  
Attorney for Respondents

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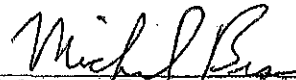
**ENDORSEMENT**

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

Dated: September 5, 2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

  
\_\_\_\_\_  
MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3920**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3920

12 **KIRPAL ENTERPRISES, INC. dba THE**  
13 **MEDICINE SHOPPE NO. 0821, KIRPAL**  
14 **S. GAGNEJA, PRESIDENT, RPH 46385,**  
**STEPHEN CHERMAN, PHARMACIST-**  
**IN- CHARGE**

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

15 **16915 Devonshire Street**  
16 **Granada Hills, CA 91344**

17 **Original Pharmacy Permit No. 46075**

18 **and**

19 **STEPHEN ALAN CHERMAN**  
20 **16915 Devonshire Street**  
21 **Granada Hills, CA 91344**

22 **Original Pharmacist License No. RPH 26341**

Respondents.

23 Complainant alleges:

24 **PARTIES**

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

27 ///

28 ///



1 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board  
2 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
3 proceeding against, the licensee or to render a decision suspending or revoking the license.”

4 **STATUTORY PROVISIONS**

5 9. Section 4043 of the Code states:

6 “(a) ‘Wholesaler’ means and includes a person who acts as a wholesale merchant, broker,  
7 jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for  
8 resale, or negotiates for distribution, or takes possession of, any drug or device included in 4022.  
9 Unless otherwise authorized by law a wholesaler may not store, warehouse or authorize the  
10 storage or warehousing of drugs with any person or at any location not licensed by the board.”

11 10. Section 4059 of the Code states:

12 ...

13 "(b) This section does not apply to the furnishing of any dangerous drug or dangerous  
14 device by a manufacturer, wholesaler, or pharmacy to each other or to a physician, dentist,  
15 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or to a  
16 laboratory under sales and purchase records that correctly give the date, the names and addresses  
17 of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to  
18 the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical  
19 therapist acting within the scope of his or her license under sales and purchase records that  
20 correctly provide the date the device is provided, the names and addresses of the supplier and the  
21 buyer, a description of the device, and the quantity supplied.”

22 11. Code section 4126.5, subdivision (a), provides:

23 “(a) A pharmacy may furnish dangerous drugs only to the following:

24 ...

25 (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a  
26 dangerous drug that could result in the denial of health care. A pharmacy furnishing dangerous  
27 drugs pursuant to this paragraph may only furnish a quantity sufficient to alleviate the temporary  
28 shortage.

1 (5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized  
2 by law.

3 ...

4 (7) To another pharmacy under common control.”

5 12. Section 4160 of the Code states:

6 "(a) A person may not act as a wholesaler of any dangerous drug or dangerous device  
7 unless he or she has obtained a license from the board.

8 13. Section 4301 of the Code states:

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

12 ...

13 "(j) The violation of any of the statutes of this state or of the United States regulating  
14 controlled substances and dangerous drugs.

15 .....

16 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
17 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
18 federal and state laws and regulations governing pharmacy, including regulations established by  
19 the board.”

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

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	Date	Invoice Record	Approximate Amount
1	11/17/08	5086472	\$29,810.28
2	1/16/09	5101683	\$30,978.78
3	2/16/09	5109398	\$30,725.29
4	3/23/09	5118598	\$28,878.28
5	4/17/09	512496	\$15,228.11
6	4/22/09	5126555	\$18,217.48
7	5/1/09	5129239	\$16,855.89
8	3/8/10	5211037	\$4,536.50
9	3/8/10	5211041	\$11,459.07
10	3/8/10	5211045	\$8,279.99
11	3/8/10	5211046	\$17,831.89
12	3/9/10	5211394	\$11,247.87
13	3/22/10	5214841	\$8,413.05
14	3/22/10	5214825	\$4,928.29
15	3/22/10	5214831	\$11,884.65
16	3/22/10	5214848	\$8,564.01
17	3/25/10	5216095	\$7,093.09
18	3/25/10	5216020	\$13,538.21
19	4/5/10	5218890	\$6,566.60
20	4/5/10	5218878	\$6,123.76
21	4/5/10	5217714	\$10,675.64
22	4/15/10	5222026	\$3,249.51
23	4/15/10	5221993	\$19,451.55
24	4/19/10	5222617	\$6,715.74
25	4/20/10	5223338	\$11,512.52
26	4/20/10	5223458	\$10,837.33
27	4/26/10	5224720	\$15,501.81
28	4/26/10	5224708	\$6,610.43
29	5/5/10	5227898	\$7,378.55
30	5/5/10	5227802	\$9,176.29
31	5/5/10	5227789	\$14,835.42
32	5/5/10	5227779	\$12,074.72
33	5/6/10	5228560	\$11,488.62
34	5/19/10	5231912	\$6,443.70
35	5/20/10	5232375	\$12,370.40
36	5/20/10	5232360	\$14,762.11
37	5/21/10	5232649	\$11,313.05
38	5/21/10	5232556	\$12,511.09
39	6/2/10	5235364	\$11,295.47



40	6/2/10	5235362	\$9,798.80
41	6/2/10	5235680	\$12,660.76
42	6/7/10	5237198	\$9,177.14
43	6/10/10	5238199	\$6,253.06
44	6/21/10	5240770	\$5,880.21
45	6/21/10	5240767	\$15,266.56
		Total	\$558,401.57

**SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Furnishing Dangerous Drugs without a Prescription)

As to Respondent Medicine Shoppe and Cherman

20. Respondents are subject to disciplinary action under section 4301, subdivisions (j) and (o) for violating section 4059, subdivision (b) in that Respondents furnished prescription medications without prescriptions. The circumstances are as follows:

21. On or between November 17, 2008 and June 21 2009 and on or between March 8, 2010 and June 21, 2010, Respondents furnished approximately \$558,401.57 worth of dangerous drugs to Desert Pharmacy without proper sales records that correctly documented the date and the names and addresses of the supplier and buyer.

	Date	Invoice Record	Approximate Amount
1	11/17/08	5086472	\$29,810.28
2	1/16/09	5101683	\$30,978.78
3	2/16/09	5109398	\$30,725.29
4	3/23/09	5118598	\$28,878.28
5	4/17/09	512496	\$15,228.11
6	4/22/09	5126555	\$18,217.48
7	5/1/09	5129239	\$16,855.89
8	3/8/10	5211037	\$4,536.50
9	3/8/10	5211041	\$11,459.07
10	3/8/10	5211045	\$8,279.99
11	3/8/10	5211046	\$17,831.89
12	3/9/10	5211394	\$11,247.87
13	3/22/10	5214841	\$8,413.05
14	3/22/10	5214825	\$4,928.29

1	15	3/22/10	5214831	\$11,884.65
	16	3/22/10	5214848	\$8,564.01
2	17	3/25/10	5216095	\$7,093.09
	18	3/25/10	5216020	\$13,538.21
3	19	4/5/10	5218890	\$6,566.60
	20	4/5/10	5218878	\$6,123.76
4	21	4/5/10	5217714	\$10,675.64
	22	4/15/10	5222026	\$3,249.51
5	23	4/15/10	5221993	\$19,451.55
	24	4/19/10	5222617	\$6,715.74
6	25	4/20/10	5223338	\$11,512.52
	26	4/20/10	5223458	\$10,837.33
7	27	4/26/10	5224720	\$15,501.81
	28	4/26/10	5224708	\$6,610.43
8	29	5/5/10	5227898	\$7,378.55
	30	5/5/10	5227802	\$9,176.29
9	31	5/5/10	5227789	\$14,835.42
	32	5/5/10	5227779	\$12,074.72
10	33	5/6/10	5228560	\$11,488.62
	34	5/19/10	5231912	\$6,443.70
11	35	5/20/10	5232375	\$12,370.40
	36	5/20/10	5232360	\$14,762.11
12	37	5/21/10	5232649	\$11,313.05
	38	5/21/10	5232556	\$12,511.09
13	39	6/2/10	5235364	\$11,295.47
	40	6/2/10	5235362	\$9,798.80
14	41	6/2/10	5235680	\$12,660.76
	42	6/7/10	5237198	\$9,177.14
15	43	6/10/10	5238199	\$6,253.06
	44	6/21/10	5240770	\$5,880.21
16	45	6/21/10	5240767	\$15,266.56
17			Total	\$558,401.57
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**PRAYER**

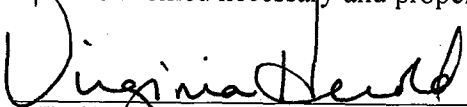
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Original Pharmacy Permit Number 46075, issued to Kirpal Enterprises, Inc. to do business as The Medicine Shoppe No. 0821;

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- 2. Revoking or suspending Original Pharmacist License Number RPH 26341, issued to Stephen Cherman;
- 3. Ordering the Medicine Shoppe and Stephen Cherman 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; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: 11/4/13



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

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