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7

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

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

Case No. 6319

13 **RX UNLIMITED, LLC DBA RX**
14 **UNLIMITED PHARMACY,**
15 **BRIAN PAUL SOHAN GOLDSTEIN –**
MEMBER

**THIRD AMENDED ACCUSATION AND
PETITION TO REVOKE PROBATION**

16 16673 Roscoe Blvd.
North Hills, CA 91343

17 Pharmacy Permit No. PHY 50302
18 Sterile Compounding Permit No. LSC 99642,

19 **and**

20 **CLIFTON EUGENE BRADDY**

21 18333 Hatteras St. # 110
Tarzana, CA 91356

22 Registered Pharmacist License No. RPH 45546

23 **and**

24 **BRIAN PAUL SOHAN GOLDSTEIN**

25 8641 Wilshire Blvd, Suite 120
Beverly Hills, CA 90211

26 Pharmacy Technician Registration No. TCH
101671

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and
STEPHANIE SOFIA AVERBUKH
13443 Debby St.
Valley Glen, CA 91401

Registered Pharmacist License No. RPH 67571

Respondents.

Complainant alleges:

PARTIES

1. Anne Sodergren (Complainant) brings this Third Amended Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

Rx Unlimited Pharmacy

Original Pharmacy Permit

2. On or about June 28, 2010, the Board issued Pharmacy Permit Number PHY 50302 to Rx Unlimited, LLC dba Rx Unlimited Pharmacy, Brian Paul Sohan Goldstein, member, Paul Ray Goldstein, member (Respondent). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on June 1, 2020, unless renewed.

3. In a disciplinary action entitled "In the Matter of the Accusation Against Rx Unlimited Pharmacy LLC; Rx Unlimited Pharmacy; and Clifton Eugene Braddy," Case No. 4567, the Board of Pharmacy issued a Decision and Order effective on March 13, 2017, in which Respondent Rx Unlimited Pharmacy's Pharmacy Permit was revoked. However, the revocation was stayed, and Respondent Rx Unlimited Pharmacy's Pharmacy Permit was placed on probation for five (5) years, with certain terms and conditions. A copy of that Decision and Order is attached as Exhibit A and is incorporated herein by reference.

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1 **Rx Unlimited Pharmacy**

2 **Sterile Compounding Permit**

3 4. On or about September 28, 2010, the Board issued Sterile Compounding Permit
4 Number LSC 99642 to Respondent Rx Unlimited Pharmacy. The Sterile Compounding Permit
5 was in full force and effect at all times relevant to the charges brought herein and will expire on
6 June 1, 2020, unless renewed.

7 **Clifton Eugene Braddy**

8 **Pharmacist-in-Charge (June 28, 2010 – November 9, 2015)**

9 5. On or about August 14, 1992, the Board of Pharmacy issued Registered Pharmacist
10 License Number RPH 45546 to Clifton Eugene Braddy (Respondent Braddy). The Registered
11 Pharmacist License, which was in full force and effect at all times relevant to the charges brought
12 herein, expired on April 30, 2018, and was subsequently cancelled on May 31, 2018 after
13 Respondent Braddy voluntarily surrendered his license pursuant to the terms and conditions of his
14 probation.

15 6. In a disciplinary action entitled "In the Matter of the Accusation Against Rx
16 Unlimited Pharmacy LLC; Rx Unlimited Pharmacy; and Clifton Eugene Braddy," Case No. 4567,
17 the Board of Pharmacy issued a Decision and Order effective on March 13, 2017, in which
18 Respondent Braddy's Pharmacist License was revoked. However, the revocation was stayed, and
19 Respondent Braddy's Pharmacist License was placed on probation for five (5) years, with certain
20 terms and conditions. A copy of that Decision and Order is attached as Exhibit B and is
21 incorporated herein by reference.

22 **Brian Paul Sohan Goldstein**

23 **Original Pharmacy Technician**

24 7. On or about May 4, 2010, the Board of Pharmacy issued Pharmacy Technician
25 Registration Number TCH 101671 to Brian Paul Sohan Goldstein (Respondent Goldstein). The
26 Pharmacy Technician Registration was in full force and effect at all times relevant to the charges
27 brought herein and will expire on September 30, 2021, unless renewed.

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1 **Stephanie Sophia Averbukh**

2 **Pharmacist-in-Charge (November 9, 2015 - January 19, 2018)**

3 8. On or about August 16, 2012, the Board of Pharmacy issued Registered Pharmacist
4 License Number RPH 67571 to Stephanie Sophia Averbukh (Respondent Averbukh). The
5 Registered Pharmacist License was in full force and effect at all times relevant to the charges
6 brought herein and will expire on January 31, 2022, unless renewed.

7 **JURISDICTION AND STATUTORY PROVISIONS**

8 9. This Third Amended Accusation and Petition to Revoke Probation is brought before
9 the Board under the authority of the following laws. All section references are to the Business
10 and Professions Code (Code) unless otherwise indicated.

11 10. Section 4300.1 of the Code states:

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

17 11. Section 4300 of the Code states, in pertinent part:

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

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

22 "(1) Suspending judgment.

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

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

25 "(4) Revoking his or her license.

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

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

5 12. Section 4022 of the Code states:

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

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

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

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

15 13. Section 4059.5 states, in pertinent part:

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17 "(e) A dangerous drug or dangerous device shall not be transferred, sold, or delivered to a
18 person outside this state, whether foreign or domestic, unless the transferor, seller, or deliverer
19 does so in compliance with the laws of this state and of the United States and of the state or
20 country to which the dangerous drugs or dangerous devices are to be transferred, sold, or
21 delivered. Compliance with the laws of this state and the United States and of the state or country
22 to which the dangerous drugs or dangerous devices are to be delivered shall include, but not
23 limited to, determining that the recipient of the dangerous drugs or dangerous devices is
24 authorized by law to receive the dangerous drugs or dangerous devices."

25 14. Section 4301 states, in pertinent part:

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

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

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

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

10

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

15 15. Health and Safety Code section 11162.1 states, in pertinent part:

16 “(a) The prescription forms for controlled substances shall be printed with the following
17 features:

18 “(1) A latent, repetitive “void” pattern shall be printed across the entire front of the
19 prescription blank; if a prescription is scanned or photocopied, the word “void” shall appear in a
20 pattern across the entire front of the prescription.

21 “(2) A watermark shall be printed on the backside of the prescription blank; the watermark
22 shall consist of the words “California Security Prescription.”

23 “(3) A chemical void protection that prevents alteration by chemical washing.

24 “(4) A feature printed in thermochromic ink.

25 “(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

26 “(6) A description of the security features included on each prescription form.

27 “(7) (A) Six quantity check off boxes shall be printed on the form so that the prescriber may
28 indicate the quantity by checking the applicable box where the following quantities shall appear:

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- “1–24
- “25–49
- “50–74
- “75–100
- “101–150
- “151 and over.

“(B) In conjunction with the quantity boxes, a space shall be provided to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form.

“(8) Prescription blanks shall contain a statement printed on the bottom of the prescription blank that the “Prescription is void if the number of drugs prescribed is not noted.”

“(9) The preprinted name, category of licensure, license number, federal controlled substance registration number, and address of the prescribing practitioner.

“(10) Check boxes shall be printed on the form so that the prescriber may indicate the number of refills ordered.

“(11) The date of origin of the prescription.

“(12) A check box indicating the prescriber’s order not to substitute.

“(13) An identifying number assigned to the approved security printer by the Department of Justice.”

16. Section 4307 of the Code states, in pertinent part:

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

1 officer, director, associate, partner, or any other person with management or control of a licensee
2 as follows:

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

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

7 **REGULATORY PROVISIONS**

8 17. California Code of Regulations, title 16, section 1717.3 states, in pertinent part:

9 “(a) No person shall dispense a controlled substance pursuant to a preprinted multiple
10 check-off prescription blank.”

11 18. California Code of Regulations, title 16, section 1761 states, in pertinent part:

12 “(a) No pharmacist shall compound or dispense any prescription which contains any
13 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
14 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
15 validate the prescription.”

16 19. California Code of Regulations, title 16, section 1773, states, in part:

17 “(a) Unless otherwise directed by the Board in its sole discretion, any pharmacist who is
18 serving a period of probation shall comply with the following conditions:

19 “(1) Obey all laws and regulations substantially related to the practice of Pharmacy;

20 “(2) Report to the Board or its designee quarterly either in person or in writing as directed;
21 the report shall include the name and address of the probationer's employer. If the final
22 probation report is not made as directed, the period of probation shall be extended until
23 such time as the final report is made;”

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25 20. California Code of Regulations, title 16, section 1774, subdivision (a)(2) states, in
26 pertinent part:

27 “(a) (2) Unless otherwise directed by the Board, any pharmacy permit which is on
28 probation to the Board shall be subject to the following conditions: The permit, through its

1 officer, partners or owners, shall report to the Board or its designees quarterly, either in person or
2 in writing as directed; if the final probation report is not made as directed, the period of probation
3 shall be extended until such time as the final report is made.”

4 **COST RECOVERY**

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

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12 **THIRD AMENDED ACCUSATION**

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14 **BOARD INVESTIGATION REPORT DATED AUGUST 9, 2017**

15 22. A Board investigation conducted in regard to Respondent Rx Unlimited Pharmacy
16 revealed that between December 26, 2013 and July 29, 2016, Rx Unlimited Pharmacy located at
17 16673 Roscoe Boulevard, North Hills, CA 91343, unlawfully shipped/mailed approximately 453
18 prescriptions involving dangerous drugs and/or dangerous devices into 27 states other than
19 California where they were not licensed to do so. Further, many of these dangerous drugs were
20 sterile compounds, which carry a higher risk of infectious contamination. These violations of law
21 were documented in a Board Investigation Report dated August 9, 2017.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Unprofessional Conduct)**

24 23. Respondents Rx Unlimited Pharmacy, Braddy, and Goldstein are subject to
25 disciplinary action under section 4301, subdivision (f) in that Rx Unlimited, Braddy and
26 Goldstein committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption. The
27 circumstances are as follows:

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1 24. Between December 26, 2013 and July 29, 2016, Respondents Rx Unlimited
2 Pharmacy, Braddy, and Goldstein unlawfully shipped/mailed approximately 453 prescriptions
3 involving dangerous drugs and/or dangerous devices into 27 states other than California where
4 they were not licensed to do so. Further, many of these dangerous drugs were sterile compounds,
5 which carry a higher risk of infectious contamination.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Compliance with Laws of All Involved Jurisdictions)**

8 25. Respondents Rx Unlimited, Braddy, and Goldstein are subject to disciplinary action
9 under section 4059.5, subdivision (e) in conjunction with section 4301, subdivision (j), in that
10 Respondents Rx Unlimited Pharmacy, Braddy, and Goldstein failed to comply with the laws of
11 this state and federal laws by unlawfully shipping/mailed prescriptions involving dangerous
12 drugs or dangerous devices into 27 states other than California where they were not licensed to do
13 so, as set forth in paragraphs 22-24 above.

14 **BOARD INVESTIGATION REPORT OF MARCH 6, 2019**

15 26. A follow up inspection conducted in regard to Respondent Rx Unlimited Pharmacy
16 by Board Inspectors was initiated on or about October 16, 2018, wherein additional violations of
17 law were uncovered. The underlying facts and related violations documented by a Board
18 Inspector in a Board Inspection Report dated March 6, 2019 is summarized as follows.

19 27. Between December 14, 2015 and December 17, 2015, Respondent Averbukh, while
20 employed at Respondent Rx Unlimited Pharmacy, unlawfully processed and dispensed 50
21 prescriptions for controlled substances that were not issued on a prescription form for controlled
22 substances as required in the State of California.

23 28. Between December 14, 2015 and December 17, 2015, Respondent Averbukh, while
24 employed at Respondent Rx Unlimited Pharmacy, unlawfully processed and dispensed 50
25 prescriptions for controlled substances that were written on prescription paper with preprinted
26 multiple check-off boxes for controlled substances.

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1 29. Between December 14, 2015 and December 17, 2015, Respondent Averbukh, while
2 employed at Rx Unlimited Pharmacy, unlawfully processed and dispensed 41 prescriptions, 18 of
3 which were controlled substances, which were erroneous for the following reasons:

4 Controlled substances were not written on required California Prescription Pads.

5 Controlled substances were written on preprinted scripts with check-off boxes.

6 Rx 125537, 125535 & 125534 were dated by the prescriber as being written on
7 10/5/2015, then 10/28/2015, then 11/10/2015; Rx# 125731 was dated by the
8 prescriber as being written on 10/5/2015, then 10/28/2015, then 11/10/2015. Rx
9 125546, 125547 and 12551 were dated by the prescriber as being written on
10 10/28/2015, then 11/10/2015. Rx 125514, 125555 and 125556 were dated by the
11 prescriber as being written on 10/28/2015, then 11/10/2015. Rx 125811, 125812
12 and 125813 were dated by the prescriber as being written on 10/28/2015, then
13 11/10/2015. Rx 125762 and 125763 were dated by the prescriber as being written
14 on 10/28/2015, then 11/10/2015. Rx 125743, 125744 and 125745 were dated by
15 the prescriber as being written on 10/28/2015, then 11/10/2015.

16 There is no evidence (fax header or telephone notations) as to how these
17 prescriptions above were received at Respondent Rx Unlimited, as they were
18 written on a "Boulevard Pharmacy" Form.

19 30. Respondent Averbukh, while employed as pharmacist in charge at Respondent Rx
20 Unlimited Pharmacy, signed under penalty of perjury, a Community Pharmacy and Hospital
21 Outpatient Pharmacy Compounding Self-Assessment on 4/10/2017, 7/5/2017, and 10/5/2017. In
22 each self-assessment, Respondent Averbukh failed to list pharmacist B.F. as required, despite the
23 fact that pharmacist B.F. is known to have worked regularly at Respondent Rx Unlimited
24 Pharmacy from December 2015 through April 2018, as confirmed by statements obtained by
25 Board Inspectors from current and previous employees of Respondent Rx Unlimited Pharmacy.

26 31. Respondent Goldstein, as owner of Respondent Rx Unlimited Pharmacy, also signed
27 under penalty of perjury, a Community Pharmacy and Hospital Outpatient Pharmacy
28 Compounding Self-Assessment on 4/10/2017, 7/5/2017, and 10/5/2017. In each self-assessment,

1 Respondent Goldstein failed to list pharmacist B.F. as required, despite the fact that pharmacist
2 B.F. is known to have worked regularly at Respondent Rx Unlimited Pharmacy from December
3 2015 through April 2018, as confirmed by statements obtained by Board Inspectors from current
4 and previous employees of Respondent Rx Unlimited Pharmacy.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Prescription Forms for Controlled Substances Requirements)**

7 32. Respondents Rx Unlimited Pharmacy and Averbukh are subject to disciplinary action
8 under Health and Safety Code section 11162.1, subdivision (a) (1-13), in that between December
9 14, 2015 and December 17, 2015, Respondent Averbukh, while employed at Respondent Rx
10 Unlimited Pharmacy, unlawfully processed and dispensed 50 prescriptions for controlled
11 substances that were not issued on a prescription form for controlled substances as required in the
12 State of California, as set forth in paragraphs 26-31 above.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Preprinted Multiple Checkoff Prescription Blanks)**

15 33. Respondents Rx Unlimited Pharmacy and Averbukh are subject to disciplinary action
16 under California Code of Regulations, title 16, section 1717.3, subdivision (a), in that between
17 December 14, 2015 and December 17, 2015, Respondent Averbukh, while employed at
18 Respondent Rx Unlimited Pharmacy, unlawfully processed and dispensed 50 prescriptions for
19 controlled substances that were written on prescription paper with preprinted multiple check-off
20 boxes for controlled substances, as set forth in paragraphs 26-31 above.

21 **FIFTH CAUSE FOR DISCIPLINE**

22 **(Erroneous or Uncertain Prescriptions)**

23 34. Respondent Averbukh is subject to disciplinary action under Code section 4301,
24 subdivision (a), in that between December 14, 2015 and December 17, 2015, Respondent
25 Averbukh, while employed at Rx Unlimited Pharmacy, unlawfully processed and dispensed 41
26 erroneous prescriptions, 18 of which were controlled substances, as set forth in paragraphs 26-31
27 above.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Knowingly Signing Document That Falsely Represents Facts)**

3 35. Respondents Averbukh and Goldstein are subject to disciplinary action under Code
4 section 4301, subdivision (g), in that Respondents Averbukh and Goldstein each signed under
5 penalty of perjury, a Community Pharmacy and Hospital Outpatient Pharmacy Compounding
6 Self-Assessment on 4/10/2017, 7/5/2017, and 10/5/2017. In each self-assessment, Respondents
7 Averbukh and Goldstein both failed to list pharmacist B.F. as required, despite the fact that
8 pharmacist B.F. is known to have worked regularly at Respondent Rx Unlimited Pharmacy from
9 December 2015 through April 2018, as confirmed by statements obtained by Board Inspectors
10 from current and previous employees of Respondent Rx Unlimited Pharmacy, as set forth in
11 paragraphs 26-31 above.

12
13 **PETITION TO REVOKE PROBATION**

14
15 **FIRST CAUSE TO REVOKE PROBATION**

16 **(Failure to Obey All Laws)**

17 36. At all times after the effective date of the Order and Decision in Case No. 4567, In
18 the Matter of the Accusation Against Rx Unlimited, LLC; Rx Unlimited Pharmacy, Probation
19 Term and Condition Number 1 of Case No. 4567 stated in pertinent part:

20 **“1. Obey All Laws**

21 “Respondent’s owner shall obey all state and federal laws and regulations. . . “

22 37. Respondent Rx Unlimited Pharmacy’s probation is subject to revocation pursuant to
23 California Code of Regulations, title 16, sections 1773 and 1774, subdivision (a)(1), because it
24 failed to comply with Probation Condition 1, referenced above, in that it violated California
25 pharmacy laws, statutes and regulations, as set forth above in paragraphs 22-35 above, which are
26 incorporated by this reference as though set forth fully herein.

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1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Submit Quarterly Reports)**

3 38. At all times after the effective date of the Order and Decision in Case No. 4567, In
4 the Matter of the Accusation Against Rx Unlimited, LLC; Rx Unlimited Pharmacy, Probation
5 Term and Condition Number 2 of Case No. 4567 stated in pertinent part:

6 **“2. Report to the Board**

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

15 39. Respondent Rx Unlimited Pharmacy’s probation is subject to revocation pursuant to
16 California Code of Regulations, title 16, sections 1773 and 1774, subdivision (a)(2), because
17 Respondent Goldstein, as owner of Respondent Rx Unlimited Pharmacy, failed to comply with
18 Probation Condition 2, referenced above, in that he failed to submit quarterly reports in
19 accordance with paragraph 2 above, and as detailed within paragraph 35 above, which is
20 incorporated by this reference as though set forth fully herein.

21 **THIRD CAUSE TO REVOKE PROBATION**

22 **(Failure to Obey All Laws)**

23 40. At all times after the effective date of the Order and Decision in Case No. 4567, In
24 the Matter of the Accusation Against Clifton Eugene Braddy, Probation Term and Condition
25 Number 1 of Case No. 4567 stated in pertinent part:

26 **“1. Obey All Laws**

27 “Respondent Braddy shall obey all state and federal laws and regulations. . . “

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1 41. Respondent Braddy's probation is subject to revocation pursuant to California Code
2 of Regulations, title 16, sections 1773 and 1774, subdivision (a)(1), because he failed to comply
3 with Probation Condition 1, referenced above, in that he violated California pharmacy laws,
4 statutes and regulations, as set forth above in paragraphs 22-35 above, which are incorporated by
5 this reference as though set forth fully herein.

6 **DISCIPLINE CONSIDERATIONS**

7 42. To determine the degree of discipline, if any, to be imposed on Respondent Rx
8 Unlimited Pharmacy, in a disciplinary action entitled "In the Matter of the Accusation Against Rx
9 Unlimited Pharmacy LLC; Rx Unlimited Pharmacy; and Clifton Eugene Braddy," Case No. 4567,
10 the Board of Pharmacy issued a Decision and Order effective on March 13, 2017, in which
11 Respondent Rx Unlimited Pharmacy's Pharmacy Permit was revoked. However, the revocation
12 was stayed, and Respondent Rx Unlimited Pharmacy's Pharmacy Permit was placed on probation
13 for five (5) years, with certain terms and conditions.

14 43. To determine the degree of discipline, if any, to be imposed on Respondent Braddy,
15 Complainant alleges that in a disciplinary action entitled "In the Matter of the Accusation Against
16 Rx Unlimited Pharmacy LLC; Rx Unlimited Pharmacy; and Clifton Eugene Braddy," Case No.
17 4567, the Board of Pharmacy issued a Decision and Order effective on March 13, 2017, in which
18 Respondent Braddy's Pharmacist License was revoked. However, the revocation was stayed, and
19 Respondent Braddy's Pharmacist License was placed on probation for five (5) years, with certain
20 terms and conditions.

21 **OTHER MATTERS**

22 44. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
23 PHY 50302 issued to Rx Unlimited, LLC dba Rx Unlimited Pharmacy, Brian Paul Sohan
24 Goldstein, member, Paul Ray Goldstein, member, Rx Unlimited, LLC dba Rx Unlimited
25 Pharmacy, Brian Paul Sohan Goldstein, member, and Paul Ray Goldstein, member, shall be
26 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
27 or partner of a licensee for five years if Pharmacy Permit Number PHY 50302 is placed on
28 probation or until Pharmacy Permit Number PHY 50302 is reinstated if it is revoked.

1 45. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
2 PHY 50302 issued to Rx Unlimited, LLC dba Rx Unlimited Pharmacy while Clifton Eugene
3 Braddy was serving as a manager, administrator, owner, member, officer, director, associate,
4 partner, or in any other position with management or control, and had knowledge of or
5 knowingly participated in any conduct for which the licensee was disciplined, Clifton Eugene
6 Braddy shall be prohibited from serving as a manager, administrator, owner, member, officer,
7 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY
8 50302 is placed on probation or until Pharmacy Permit Number PHY 50302 is reinstated if it is
9 revoked, or until surrendered Pharmacist License Number RPH 45546 is reinstated if it is
10 revoked.

11 46. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
12 PHY 50302 issued to Rx Unlimited, LLC dba Rx Unlimited Pharmacy while Stephanie Sophia
13 Averbukh was serving as a manager, administrator, owner, member, officer, director, associate,
14 partner, or in any other position with management or control, and had knowledge of or
15 knowingly participated in any conduct for which the licensee was disciplined, Stephanie Sophia
16 Averbukh shall be prohibited from serving as a manager, administrator, owner, member, officer,
17 director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY
18 50302 is placed on probation or until Pharmacy Permit Number PHY 50302 is reinstated if it is
19 revoked.

20 47. Pursuant to Code section 4307, if discipline is imposed on surrendered Pharmacist
21 License Number RPH 45546 issued to Clifton Eugene Braddy, Clifton Eugene Braddy shall be
22 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
23 or partner of a licensee until surrendered Pharmacist License Number RPH 45546 is ever
24 reinstated if it is revoked.

25 48. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
26 Number RPH 67571 issued to Stephanie Sophia Averbukh, Stephanie Sophia Averbukh shall be
27 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
28

1 or partner of a licensee for five years if Pharmacist License Number RPH 67571 is placed on
2 probation or until Pharmacist License Number RPH 67571 is reinstated if it is revoked.

3 **PRAYER**

4 *WHEREFORE*, Complainant requests that a hearing be held on the matters alleged in this
5 Third Amended Accusation and Petition to Revoke Probation, and that following the hearing, the
6 Board of Pharmacy issue a decision:

7 1. Revoking or suspending Pharmacy Permit No. PHY 50302, issued to Rx Unlimited,
8 LLC dba Rx Unlimited Pharmacy, Brian Paul Sohan Goldstein, member, Paul Ray Goldstein,
9 member;

10 2. Revoking or suspending Sterile Compounding Permit No. LSC 99642, issued to Rx
11 Unlimited, LLC dba Rx Unlimited Pharmacy, Brian Paul Sohan Goldstein, member, Paul Ray
12 Goldstein, member

13 3. Revoking surrendered Registered Pharmacist License No. RPH 45546, issued to
14 Clifton Eugene Braddy;

15 4. Revoking or suspending Pharmacy Technician Registration No. TCH 101671, issued
16 to Brian Paul Sohan Goldstein;

17 5. Revoking or suspending Registered Pharmacist License No. RPH 67571, issued to
18 Stephanie Sophia Averbukh;

19 6. Prohibiting Rx Unlimited, LLC dba Rx Unlimited Pharmacy, Brian Paul Sohan
20 Goldstein, member, Paul Ray Goldstein, member, from serving as a manager, administrator,
21 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
22 Permit Number PHY 50302 is placed on probation or until Pharmacy Permit Number PHY 50302
23 is reinstated if Pharmacy Permit Number PHY 50302 issued to Rx Unlimited, LLC dba Rx
24 Unlimited Pharmacy, Brian Paul Sohan Goldstein, member, Paul Ray Goldstein, member;

25 7. Prohibiting Clifton Eugene Braddy from serving as a manager, administrator, owner,
26 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
27 Number PHY 50302 is placed on probation or until Pharmacy Permit Number PHY 50302 is
28 reinstated if Pharmacy Permit Number PHY 50302 issued Rx Unlimited, LLC dba Rx Unlimited

1 Pharmacy, Brian Paul Sohan Goldstein, member, Paul Ray Goldstein, member is revoked, or
2 until surrendered Pharmacist License Number RPH 45546 is ever reinstated if it is revoked.

3 8. Prohibiting Stephanie Sophia Averbukh from serving as a manager, administrator,
4 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
5 Permit Number PHY 50302 is placed on probation or until Pharmacy Permit Number PHY
6 50302 is reinstated if Pharmacy Permit Number PHY 50302 issued Rx Unlimited, LLC dba Rx
7 Unlimited Pharmacy, Brian Paul Sohan Goldstein, member, Paul Ray Goldstein, member is
8 revoked;

9 9. Prohibiting Clifton Eugene Braddy from serving as a manager, administrator, owner,
10 member, officer, director, associate, or partner of a licensee until surrendered Pharmacist License
11 Number RPH 45546 is reinstated if surrendered Pharmacist License Number RPH 45546 issued
12 to Clifton Eugene Braddy is revoked;

13 10. Prohibiting Stephanie Sophia Averbukh from serving as a manager, administrator,
14 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
15 License Number RPH 67571 is placed on probation or until Pharmacist License Number RPH
16 45546 is reinstated if Pharmacist License Number RPH 67571 issued to Stephanie Sophia
17 Averbukh is revoked;

18 11. Ordering Rx Unlimited, LLC dba Rx Unlimited Pharmacy, Clifton Eugene Braddy,
19 Brian Paul Sohan Goldstein, and Stephanie Sophia Averbukh to pay the Board of Pharmacy the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3; and

22 12. Taking such other and further action as deemed necessary and proper.

23
24 DATED: February 4, 2020



25 ANNE SODERGREN
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

EXHIBIT "A"

Decision and Order in Accusation Case No. 4567 (Respondent Rx Unlimited)

EXHIBIT “B”

Decision and Order in Accusation Case No. 4567 (Respondent Braddy)