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6	Telephone: (213) 897-2643 Facsimile: (213) 897-2804	
7	Attorneys for Complainant	na nakkan
8	BEFORE THE BOARD OF PHARMACY DEBARTMENT OF CONSUMER AFEAIRS	
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	In the Metter of the Statement of Level	C N- 4294
11	In the Matter of the Statement of Issues Against:	Case No. 4284
12	SHERMAN OAKS PHARMACY, INC., ASHER KASHANCHI	STATEMENT OF ISSUES
13	ASHER KASHANCHI	STATEMENT OF ISSUES
14	Applicant for Pharmacy Permit	
15	Respondent.	
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20	Complainant alleges:	
21	<u>PARTIES</u>	
22	1. Virginia Herold (Complainant) brings this Statement of Issues solely in her official	
23	capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.	
24	2. On or about November 9, 2011, the Board of Pharmacy, Department of Consumer	
25	Affairs received an application for an Applicant for Pharmacy Permit from Sherman Oaks	
26	Pharmacy, Inc., Asher Kashanchi (Respondent). On or about October 23, 2011, Asher Kashanchi	
27	certified under penalty of perjury to the truthfulness of all statements, answers, and	
28	representations in the application. The Board denied the application on December 12, 2011.	
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<u>JURISDICTION</u>

- 3. This Statement of Issues is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.
 - 4. Section 480 of the Code states:
- "(a) A board may deny a license regulated by this code on the grounds that the applicant has one of the following:

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

5. California Code of Regulations, title 16, section 1770, states:

"For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be considered substantially related to the qualifications, functions or duties of a licensee or registrant if to a substantial degree it evidences present or potential unfitness of a licensee or registrant to perform the functions authorized by his license or registration in a manner consistent with the public health, safety, or welfare."

CAUSE FOR DENIAL OF APPLICATION

(Act Done by Licensiate)

- 6. Respondent's application is subject to denial under section 480, subdivision (a) (3) and California Code of Regulations, title 16, section 1770, in that Respondent engaged in acts which, if done by a licensiate, would constitute grounds for a suspension or revocation of license. The circumstances are as follows:
- a. On or about October 23, 2011, Respondent submitted an Application for an Applicant for Pharmacy Permit from Sherman Oaks Pharmacy, Inc., naming Asher Kashanchi, pharmacist-in-charge, and Asher Kashanchi, president of Sherman Oaks Pharmacy, Inc.
- b. Respondent's application is subject to denial based on causes for discipline alleged in Second Amended Accusation No. 4231 filed by the Board of Pharmacy against Westlake Care

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The biennial DEA inventories

Drugs that are not intended for

Pharmacy, Pharmacy Permit No. PHY 49290, and Asher Kashanchi, Pharmacist License No. RPH 46942, President and Pharmacist-in-Charge of Westlake Care Pharmacy. A true and correct copy of the Second Amended Accusation No. 4231 is attached hereto as Exhibit "A", and incorporated herein by reference.

Second Amended Accusation No. 4231 alleges the following causes of discipline against Westlake Care Pharmacy and Asher Kashanchi: (1) subverting the investigation and failure to produce the requested documents to the Board Inspector [violation of Bus. & Prof. Code § 4301(q)]; (2) failure to have pharmacy records available and open for inspection [violation of Cal. Code Regs., tit 16, §1718]; (3) name tag missing on the pharmacy technician [violation of Cal. Code Regs., tit 16, §1793.7]; (4) controlled substance inventory missing [violation of Cal. Code Regs., tit 16, §1718]; (5) technician policies and job duties statements unavailable during the inspection [violation of Cal. Code Regs., tit 16, §1793.7(d)]; (6) self assessment form unavailable during the inspection [violation of Cal. Code Regs., tit 16, §1715(d)]; (7) quality assurance policy and procedure unavailable during the inspection [violation of Cal. Code Regs., tit 16, §1711(c)(1)]; (8) inadequate recordkeeping [violation of Bus. & Prof. Code §§ 4059 (a)] and (b)]; (9) misbranded drugs² [violation of Health & Safety Code §111430]; (10) unlawfully holding, delivering or offering for sale misbranded drugs [violation of Health & Safety Code §111440]; (11) unlawfully receiving misbranded drugs [violation of Health & Safety Code §111450]; (12) misbranded drugs [violation of Health & Safety Code §111490]; (13) unprofessional conduct-billing fraud [violation of Bus. & Prof. Code §§ 4342 and 4169]

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. Denying the application of Sherman Oaks Pharmacy, Inc., Asher Kashanchi for a Applicant for Pharmacy Permit;

² Drugs that are not intended for use in the United States

1	2. Taking such other and further action as deemed necessary and proper.	
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4	DATED: 6/10/13 (Jusina Seed) VIRGINJA HEROLD	
5	Executive Officer Board of Pharmacy	
6	Board of Pharmacy Department of Consumer Affairs State of California	
7	Complainant	
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