

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

In the Matter of the Accusation Against:

UNITED PHARMACY
2935 Telegraph Avenue
Berkeley, CA 94705

Pharmacy Permit No. PHY 45289

Respondent.

Case No. 3064

OAH No.

DECISION AND ORDER

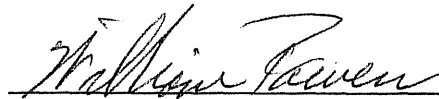
The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 11, 2007.

It is so ORDERED June 11, 2007.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS

Board President

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 JOSHUA A. ROOM, State Bar No. 214663
Deputy Attorney General
4 California Department of Justice
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7 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

13 UNITED PHARMACY
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14 Pharmacy Permit No. PHY 45289

15 Respondent.

Case No. 3064

OAH No.

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

16 In the interest of a prompt and speedy resolution of this matter, consistent with the
17 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer
18 Affairs the parties hereby agree to the following Stipulated Surrender of License and Order which
19 will be submitted to the Board for approval and adoption as final disposition of the Accusation.

20
21 PARTIES

22 1. Virginia Herold (Complainant) is the Executive Officer of the Board of
23 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
24 by Edmund G. Brown Jr., Attorney General of the State of California, by Joshua A. Room,
25 Deputy Attorney General.

26 2. United Pharmacy, Tengiz Iosebashvili, President (Respondent) is
27 representing itself in this proceeding and has chosen not to exercise its right to be represented by
28 counsel.

1 CULPABILITY

2 8. Respondent admits that the United Pharmacy at 2935 Telegraph Avenue,
3 Berkeley, California, 94705, was not engaged in the ordinary activity for which Pharmacy Permit
4 No. PHY 45289 was issued to that premises for at least one day each calendar week during one
5 or more 120-day period, agrees that cause exists for cancellation of the Pharmacy Permit, and
6 hereby surrenders Pharmacy Permit No. PHY 45289 for the Board's formal acceptance.

7 9. Respondent asserts that there were never any pharmacy operations under
8 Pharmacy Permit No. PHY 45289, and that at no time were any drugs, dangerous drugs, devices
9 or equipment purchased for use under this Permit. Respondent disputes that it failed any duty to
10 notify the Board prior to transferring or selling any such inventory.

11 10. Respondent understands that by signing this stipulation it enables the
12 Board to issue an order accepting the surrender of the Pharmacy Permit without further process.

13
14 RESERVATION

15 11. The admissions made by Respondent herein are only for the purposes of
16 this proceeding, or any other proceedings in which the Board or other professional licensing
17 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

18
19 CONTINGENCY

20 12. This stipulation shall be subject to approval by the Board of Pharmacy.
21 Respondent understands and agrees that counsel for Complainant and the staff of the Board may
22 communicate directly with the Board regarding this stipulation and surrender, without notice to
23 or participation by Respondent. By signing the stipulation, Respondent understands and agrees
24 that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the
25 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
26 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for
27 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
28 shall not be disqualified from further action by having considered this matter.

Exhibit A
Accusation No. 3064

1 EDMUND G. BROWN JR., Attorney General
of the State of California
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14 2935 Telegraph Avenue
Berkeley, CA 94705

OAH No.

A C C U S A T I O N

15 Pharmacy Permit No. PHY 45289

Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about May 18, 2001, the Board of Pharmacy issued Pharmacy
21 Permit Number PHY 45289 to United Pharmacy, Tengiz Iosebashvili, President (Respondent).
22 The Pharmacy Permit was in full force and effect at all times relevant to the charges brought
23 herein and will expire on May 1, 2007, unless renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board of Pharmacy (Board),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code unless otherwise indicated.
28

