

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

In the Matter of the Accusation Against:

**MODERN HEALTHCARE, INC., DBA
AD-RX PHARMACY**
6240 Wilshire Blvd.
Los Angeles, CA 90048
IRA HALPERN, Owner and President
RICHARD I. KATZ, Owner and Secretary
ROBERT ANTOINE CHARLES,
Pharmacist-In-Charge
(From 5/4/06 to 7/2/07)
RAMONA EDERY
Pharmacist-In-Charge
(From 7/26/07 to present)

Pharmacy Permit No. PHY 44831,

and

ROBERT ANTOINE CHARLES
5533 Holt Avenue
Los Angeles, CA 90056

Pharmacist License No. RPH 51100

Respondent.

Case No. 3539

OAH No. L-2010040989

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT MODERN
HEALTHCARE, INC., DBA AD-RX
PHARMACY ONLY**

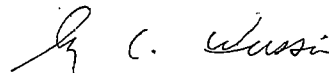
DECISION AND ORDER

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 April 2, 2012.

It is so ORDERED on March 2, 2012.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
 Attorney General of California
 2 MARC D. GREENBAUM
 Supervising Deputy Attorney General
 3 MICHAEL A. CACCIOTTI
 Deputy Attorney General
 4 State Bar No. 129533
 300 So. Spring Street, Suite 1702
 5 Los Angeles, CA 90013
 Telephone: (213) 897-2932
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Attorneys for Complainant

7
 8 **BEFORE THE**
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DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA
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18 Pharmacy Permit No. PHY 44831,

19 and

20 ROBERT ANTOINE CHARLES
 5533 Holt Avenue
 21 Los Angeles, CA 90056

22 Pharmacist License No. RPH 51100

23 Respondents.
 24

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

28 ///

PARTIES

1
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 A. Cacciotti, Deputy Attorney
5 General.

6 2. Respondent Modern Healthcare, Inc., dba AD-RX Pharmacy (Respondent or
7 Respondent owner) is represented in this proceeding by attorney Jay N. Hartz, whose address is:
8 Jay N. Hartz, Hooper, Lundy & Bookman, P.C., 1875 Century Park East, Suite 1600 Los
9 Angeles, CA 90067-2517.

10 3. On or about May 18, 2000, the Board of Pharmacy issued Pharmacy Permit No. PHY
11 44831 to Respondent. The Pharmacy Permit was in full force and effect at all times relevant to
12 the charges brought in Accusation No. 3539 and will expire on May 1, 2012, unless renewed.

JURISDICTION

13
14 4. Accusation No. 3539 was filed before the Board of Pharmacy (Board), Department of
15 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
16 statutorily required documents were properly served on Respondent on January 27, 2010.
17 Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation
18 No. 3539 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

19
20 5. Respondent has carefully read, fully discussed with counsel, and understands the
21 charges and allegations in Accusation No. 3539. Respondent has also carefully read, fully
22 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
23 Order.

24 6. Respondent is fully aware of its legal rights in this matter, including the right to a
25 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
26 its own expense; the right to confront and cross-examine the witnesses against them; the right to
27 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
28 the attendance of witnesses and the production of documents; the right to reconsideration and

1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

3 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 8. Respondent understands and agrees that the charges and allegations in Accusation
7 No. 3539, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy
8 Permit.

9 9. For the purpose of resolving the Accusation without the expense and uncertainty of
10 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
11 basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest
12 those charges.

13 10. Respondent agrees that its Pharmacy Permit is subject to discipline and they agree to
14 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

15 CONTINGENCY

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

25 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
26 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
27 effect as the originals.

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1 2. Report to the Board

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

10 3. Interview with the Board

11 Upon receipt of reasonable prior notice, respondent owner shall appear in person for
12 interviews with the board or its designee, at such intervals and locations as are determined by the
13 board or its designee. Failure to appear for any scheduled interview without prior notification to
14 board staff, or failure to appear for two (2) or more scheduled interviews with the board or its
15 designee during the period of probation, shall be considered a violation of probation.

16 4. Cooperate with Board Staff

17 Respondent owner shall cooperate with the board's inspection program and with the board's
18 monitoring and investigation of respondent's compliance with the terms and conditions of their
19 probation. Failure to cooperate shall be considered a violation of probation.

20 5. Reimbursement of Board Costs

21 As a condition precedent to successful completion of probation, respondent owner shall pay
22 to the board its costs of investigation and prosecution in the amount of \$19,000.00. Respondent
23 owners' shall make payments on a payment plan approved by the board. There shall be no
24 deviation from this schedule absent prior written approval by the board or its designee. Failure to
25 pay costs by the deadline(s) as directed shall be considered a violation of probation.

26 The filing of bankruptcy by respondent owner shall not relieve respondent of their
27 responsibility to reimburse the board its costs of investigation and prosecution.

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6. Probation Monitoring Costs

Respondent owner shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

7. Status of License

Respondent owner shall, at all times while on probation, maintain current licensure with the board. If respondent owner submits an application to the board, and the application is approved, for a change of location, change of permit or change of ownership, the board shall retain continuing jurisdiction over the license, and the respondent shall remain on probation as determined by the board. Failure to maintain current licensure shall be considered a violation of probation.

If respondent owner's license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof or otherwise, upon renewal or reapplication respondent owner's license shall be subject to all terms and conditions of this probation not previously satisfied.

8. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent owner discontinue business, respondent owner may tender the premises license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent owner shall relinquish the premises wall and renewal license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent owner shall further submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer.

Respondent owner shall also, by the effective date of this decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written

1 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that
2 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating
3 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five
4 days of its provision to the pharmacy's ongoing patients, Respondent owner shall provide a copy
5 of the written notice to the board. For the purposes of this provision, "ongoing patients" means
6 those patients for whom the pharmacy has on file a prescription with one or more refills
7 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)
8 days.

9 Respondent owner may not apply for any new licensure from the board for three (3) years
10 from the effective date of the surrender. Respondent owner shall meet all requirements applicable
11 to the license sought as of the date the application for that license is submitted to the board.

12 Respondent owner further stipulates that he or she shall reimburse the board for its costs of
13 investigation and prosecution prior to the acceptance of the surrender.

14 **9. Notice to Employees**

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

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

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1 10. Owners and Officers: Knowledge of the Law

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

8 11. Posted Notice of Probation

9 Respondent owner shall prominently post a probation notice provided by the board in a
10 place conspicuous and readable to the public. The probation notice shall remain posted during
11 the entire period of probation.

12 Respondent owner shall not, directly or indirectly, engage in any conduct or make any
13 statement which is intended to mislead or is likely to have the effect of misleading any patient,
14 customer, member of the public, or other person(s) as to the nature of and reason for the probation
15 of the licensed entity.

16 Failure to post such notice shall be considered a violation of probation.

17 12. Violation of Probation

18 If a respondent owner has not complied with any term or condition of probation, the board
19 shall have continuing jurisdiction over respondent license, and probation shall be automatically
20 extended until all terms and conditions have been satisfied or the board has taken other action as
21 deemed appropriate to treat the failure to comply as a violation of probation, to terminate
22 probation, and to impose the penalty that was stayed.

23 If respondent owner violates probation in any respect, the board, after giving respondent
24 owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
25 order that was stayed. If a petition to revoke probation or an accusation is filed against
26 respondent during probation, the board shall have continuing jurisdiction and the period of
27 probation shall be automatically extended until the petition to revoke probation or accusation is
28 heard and decided.

1 13. Completion of Probation

2 Upon written notice by the board or its designee indicating successful completion of
3 probation, respondent license will be fully restored.

4 14. Community Services Program

5 Within sixty (60) days of the effective date of this decision, respondent owner shall submit
6 to the board or its designee, for prior approval, a community service program in which respondent
7 shall provide free health-care related services to a community or charitable facility or agency in
8 the amount of \$100,000.00 during the first three (3) years of probation.

9 Within thirty (30) days of board approval thereof, respondent owner shall submit
10 documentation to the board demonstrating commencement of the community service program.
11 Respondent owner shall report on progress with the community service program in the quarterly
12 reports, until the requirement is fully complete.

13 Failure to timely submit, commence, comply with, or complete the program shall be
14 considered a violation of probation.

15 15. Report of Controlled Substances

16 Respondent owner shall submit quarterly reports to the board detailing the total acquisition
17 and disposition of such controlled substances as the board may direct. Respondent owner shall
18 specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g.,
19 from a manufacturer, from another retailer, etc.) of such controlled substances. Respondent
20 owner shall report on a quarterly basis or as directed by the board. The report shall be delivered
21 or mailed to the board no later than ten (10) days following the end of the reporting period.
22 Failure to timely prepare or submit such reports shall be considered a violation of probation.

23 16. Separate Quarterly Audit

24 Respondent owner shall prepare and maintain a quarterly audit of all Hydrocodone products
25 in a format as directed by the Board. Failure to maintain such audit or make it available for
26 inspection shall be considered a violation of probation.


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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jay N. Hartz. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board.

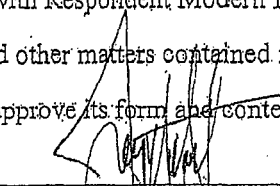
DATED: 10/10/2011



MODERN HEALTHCARE, INC., DBA AD-RX
PHARMACY
Respondent

I have read and fully discussed with Respondent Modern Healthcare, Inc., dba AD-RX Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/10/11



Jay N. Hartz
Attorney for Respondent

ENDORSEMENT

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

Dated: 10/10/11

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MICHAEL A. CACCIOTTI
Deputy Attorney General
Attorneys for Complainant

LA2009604651
Stipulation.rtf

Exhibit A

Accusation No. 3539

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 MICHAEL A. CACCIOTTI
Deputy Attorney General
4 State Bar No. 129533
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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11 **STATE OF CALIFORNIA**

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15 **RICHARD I. KATZ, Owner and Secretary**
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Pharmacist-In-Charge,
(From 5/4/06 to 7/2/07)
17 **RAMONA EDERY,**
Pharmacist-In-Charge,
(From 7/26/07 to present)

A C C U S A T I O N

18 Pharmacy Permit No. PHY 44831

19 and

20 **ROBERT ANTOINE CHARLES**
21 6240 Wilshire Blvd.
Los Angeles, CA 90048

22 Pharmacist License No. RPH 51100

23 Respondents.

24
25 Complainant alleges:

26 **PARTIES**

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

1 “(b) The owner, officer, and partner of a pharmacy, wholesaler, or veterinary food-animal
2 drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-
3 charge, for maintaining the records and inventory described in this section.”

4 7. Section 4113, subdivision (a) states:

5 “Every pharmacy shall designate a pharmacist-in-charge and within 30 days thereof, shall
6 notify the board in writing of the identity and license number of that pharmacist and the date he or
7 she was designated.”

8 8. Section 4300 provides, in pertinent part, that every license issued by the Board is
9 subject to discipline, including suspension or revocation.

10 9. Section 4301 states, in pertinent part:

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

14

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

17

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

22 10. Section 4401 states:

23 “Every pharmacist who desires to retain his or her license on the books of the board shall
24 biennially pay to the executive officer of the board the renewal fee, established by the board,
25 within the limits prescribed by this chapter. In return for the payment of the renewal fee, a
26 certificate of renewal shall be issued.”

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REGULATORY PROVISIONS

11. California Code of Regulations, title 16, section 1714 states, in pertinent part:

.....
“(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

.....
“(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.”

12. California Code of Regulations, title 16, section 1718 states:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.”

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COST RECOVERY

13. Section 125.3 states, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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CONTROLLED SUBSTANCE

14. “Norco,” is the brand name for Hydrocodone 10mg./Acetaminophen 325mg. It is a Schedule III controlled substance as defined in Health and Safety Code section 11056, subdivision (e)(4) and is categorized as a dangerous drug pursuant to section 4022.

1 FIRST CAUSE FOR DISCIPLINE

2 (Failure to Maintain Adequate Security for Dangerous Drugs)

3 15. Respondents, Pharmacy and Charles and each of them, are subject to disciplinary
4 action under section 4301, subdivisions (j) and (o), as defined in California Code of Regulations,
5 title 16, section 1714, subdivisions (b) and (d), in that Respondents failed to maintain adequate
6 security for dangerous drugs, as follows:

7 a. On or about June 20, 2007, Respondents notified the Board of a loss of approximately
8 470,000 tablets of hydrocodone with acetaminophen 10mg./325mg., due to employee pilferage.
9 An audit of Respondent Pharmacy's records of acquisition and disposition revealed that from on
10 or about December 27, 2006 to on or about June 14, 2007, Respondents had a shortage of at least
11 343,378 tablets of hydrocodone with acetaminophen 10mg./325mg.

12 b. On or about February 11, 2008, the Board conducted a routine inspection and
13 investigation at Respondent Pharmacy. The inspection revealed that the controlled substances,
14 Schedules II, III, IV, and V were dispersed throughout the pharmacy. A review of the Drug
15 Enforcement Administration (DEA) 222 forms and the Schedule II controlled substance order
16 forms revealed the date and quantities received were not documented on the DEA 222 forms upon
17 receiving the Schedule II controlled substance deliveries. The inspection further revealed that
18 re-ordering of prescription drugs was not designated to a specific person. The pharmacy
19 technicians and pharmacists were allowed to order drugs from AmerisourceBergen. When the
20 drugs were delivered, a pharmacist did not always sign for the deliveries and the invoices were
21 not always reviewed or signed by the pharmacist. A correction was ordered by the Board.

22 SECOND CAUSE FOR DISCIPLINE

23 (Failure to Maintain Current Inventory and Complete Accountability)

24 16. Respondents, Pharmacy and Charles and each of them, are subject to disciplinary
25 action under section 4301, subdivisions (j) and (o), for violating section 4081, subdivisions (a)
26 and (b), as defined in California Code of Regulations, title 16, section 1718, in that Respondents

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1 failed to maintain current inventory and complete accountability for all dangerous drugs handled
2 by every licensee. Complainant refers to, and by this reference incorporates, the allegations set
3 forth above in paragraph 15, subparagraphs (a) through (b), inclusive, as though set forth fully.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Failure to Renew Pharmacist License)**

6 17. Respondent Charles is subject to disciplinary action under section 4401, in that on or
7 about July 31, 2009; Respondent's Pharmacist License No. RPH 51100 expired and has not been
8 renewed. On or about August 22, 2009, the Board mailed Respondent a delinquency notice, with
9 no response from Respondent.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Failure to Timely Notify the Board of a Designated Pharmacist-in-Charge)**

12 18. Respondent Pharmacy is subject to disciplinary action under section 4113,
13 subdivision (a), in that Respondent failed to timely notify the Board in writing within 30 days of
14 designation, of the identity and license number of the designated Pharmacist-in-Charge and the
15 date of designation. On or about July 2, 2007, Respondent Charles disassociated, as the
16 Pharmacist-in-Charge of Respondent Pharmacy. On or about July 26, 2007, Ramona Ederly was
17 associated, as the new Pharmacist-in-Charge of Respondent Pharmacy. On or about August 15,
18 2007, the Board sent a letter addressed to Pharmacist-in-Charge Respondent Charles, requesting
19 information regarding the loss or theft of controlled substances that occurred from June 2006
20 through May 2007, with a reply requested by August 31, 2007. However, due to Respondent
21 Charles no longer being the Pharmacist-in-Charge of Respondent Pharmacy, there was a delay in
22 the Board's letter getting to the correct person. On or about September 18, 2007, Sherri
23 Cherman, Pharm.D., EVP/CCO of Respondent Pharmacy, received the Board's letter and sent a
24 response to the Board, dated September 20, 2007.

25 **DISCIPLINARY CONSIDERATIONS**

26 19. In order to determine the degree of discipline, if any, to be imposed on Respondent,
27 Complainant alleges that on or about March 7, 2007, the Board issued Citation No. CI 2006

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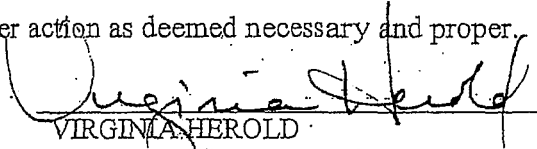
1 32299, against Respondent AD-RX Pharmacy for violating California Code of Regulations, title
2 16, section 1716 (variation from prescription). The citation and order is now final.

3 PRAYER

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

- 6 1. Revoking or suspending Pharmacy Permit No. PHY 44831, issued to Respondent
7 Pharmacy;
8 2. Revoking or suspending Pharmacist License No. RPH 51100, issued to Respondent
9 Charles;
10 3. Ordering Respondents, Pharmacy and Charles to pay the Board the reasonable costs
11 of the investigation and enforcement of this case, pursuant to section 125.3;
12 4. Taking such other and further action as deemed necessary and proper.

13 DATED: 1/6/10


14 VIRGINIA HEROLD
15 Executive Officer
16 Board of Pharmacy
17 Department of Consumer Affairs
18 State of California
19 Complainant

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