November 22, 2013

David Meyers, President/CFO
Cathleen Meyers, Secretary
Meyers Pharmacy Inc.
dba De Soto Pharmacy
20914 Roscoe Blvd.
Canoga Park, CA 91304

Re: LETTER OF PUBLIC REPRIMAND
In the Matter of the Statement of Issues Against:
Meyers Pharmacy Inc. dba De Soto Pharmacy, PHY 50809
Case No. 4311

Dear Mr. David Meyers and Ms. Cathleen Meyers:

On August 30, 2012, the California State Board of Pharmacy, filed a Statement of Issues against your application for a community pharmacy permit.

The Statement of Issues alleges that Meyers Pharmacy, dba as De Soto Pharmacy, of which you were both officers of the corporation under the previous pharmacy permit number PHY 32271, engaged in unprofessional conduct as set forth in an accusation filed on December 30, 2010, against that pharmacy permit under Business and Professions Code section 4081 and California Code of Regulations, title 16, section 1718. Specifically, between May 27, 2007 and April 15, 2009, the former pharmacy and former pharmacist-in-charge failed to take regular inventory of its controlled substances, and failed to maintain controlled substance inventory records on the premises.

On or about April 11, 2009, a pharmacy employee was viewed via video surveillance removing from pharmacy shelves and premises a 500 count bottle of Norco and taking it out to his vehicle. Around this same time, De Soto Pharmacy completed its inventory of Hydrocodone, Norco, and Vicodin, losses and reported the loss to police and the Federal Drug Enforcement Administration. They filed “Report of Theft or Loss of Controlled Substances” acknowledged losses of 43,000 tablets of Norco and 62,000 tablets of Vicodin ES on and between May 27, 2007 and April 15, 2009. The pharmacy technician was terminated from employment and separately disciplined by the board.

As new owners, the Board has decided that the charges remaining against Meyers Pharmacy, Inc., dba De Soto Pharmacy, PHY 50809 warrant a public reprimand.
Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy issues this letter of public reprimand.

Sincerely,

[Signature]

VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MEYERS PHARMACY INC.
DBA DE SOTO PHARMACY;
JERRY MEYERS, President and
Pharmacist-in-Charge
20914 Roscoe Blvd.
Canoga Park, CA 91304
Pharmacy Permit No. PHY 32271
and
JERRY MEYERS
20914 Roscoe Blvd.
Canoga Park, CA 91304
Pharmacist License No. RPH 24673
Respondents.

AND

In the Matter of the Statement of Issues
Against:

MEYERS PHARMACY, INC.
DBA DE SOTO PHARMACY;
DAVID MEYERS, President/CFO
CATHLEEN MEYERS, Secretary
Community Pharmacy Permit Application
Respondents.

Case No. 3662
STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR SURRENDER

Case No. 4311
STIPULATED SETTLEMENT FOR PUBLIC REPRIMAND
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand 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 November 27, 2013.

It is so ORDERED on November 22, 2013.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

STAN C. WEISSER
Board President
BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MEYERS PHARMACY INC.
DBA DE SOTO PHARMACY;
JERRY MEYERS, President and
Pharmacist-in-Charge
20914 Roscoe Blvd.
Canoga Park, CA 91304
Pharmacy Permit No. PHY 32271

and

JERRY MEYERS
20914 Roscoe Boulevard
Canoga Park, CA 91304
Pharmacist License No. RPH 24673

Respondents.

AND

In the Matter of the Statement of Issues Against:

MEYERS PHARMACY, INC.
DBA DE SOTO PHARMACY;
DAVID MEYERS, President/CFO
CATHLEEN MEYERS, Secretary
Community Pharmacy Permit Application

Respondents.

Case No. 3662
OAH No. L-2011040729
STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR SURRENDER

Case No. 4311
STIPULATED SETTLEMENT FOR PUBLIC REPRIMAND
In the interest of a prompt and speedy resolution of this matter, consistent with the
public interest and the responsibility of the Board of Pharmacy, of the Department of Consumer
Affairs, the parties to these related cases hereby agree to: (1) a Stipulated Settlement and
Disciplinary Order for Surrender in settlement of the Accusation filed against Respondent Meyers
Pharmacy Inc., dba De Soto Pharmacy, Pharmacy Permit No. PHY 32271 ("Respondent
Pharmacy"), and (2) a Stipulated Settlement for Public Reprimand in settlement of the Statement
of Issues granting the Application for Community Pharmacy Permit by Respondent Meyers
Pharmacy, Inc., dba De Soto Pharmacy; David Meyers, President/CFO and Cathleen Meyers,
Secretary, ("Applicant Meyers, Inc.") and the Order for Public Reprimand. This global
settlement shall hereafter be submitted to the Board for its approval and adoption as the final
disposition of Accusation No. 3662 against Respondent Pharmacy, and Statement of Issues No.
4311, against Applicant Meyers, Inc.

PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of
Pharmacy. She brought these actions solely in her official capacity and is represented in these
matters by Kamala D. Harris, Attorney General of the State of California, by Desiree Tulleners,
Deputy Attorney General.

2. Respondent Pharmacy and Applicant Meyers, Inc. (collectively, "Respondent
and Applicant") are jointly and severally represented in this proceeding by attorney Herbert L.
Weinberg, McGuire Woods LLP, 1800 Century Park East, 8th Floor, Los Angeles, California
90067; (310) 315-8200.

3. On or about July 1, 1985, the Board of Pharmacy issued Pharmacist Permit No.
PHY 32271 to Meyers Pharmacy Inc. dba De Soto Pharmacy; Jerry Meyers, President and
Pharmacist-in-Charge (Respondent Pharmacy). The Pharmacy Permit was in full force and effect
at all times relevant to the charges brought in Accusation No. 3662, and will expire on July 1,
2013, unless renewed.

4. On or about October 12, 2011, the Board of Pharmacy received an application
for a Community Pharmacy Permit from Meyers Pharmacy, Inc., dba De Soto Pharmacy, with
David Meyers, president/CEO, and Cathleen Meyers, secretary, (Applicant Meyers, Inc.). On or about October 4, 2011, David Meyers and Cathleen Meyers certified under penalty of perjury as to the truthfulness of all statements, answers and representations in the application. The Board denied the application of November 29, 2011. Applicant Meyers, Inc. appealed the denial on April 19, 2012.

JURISDICTION

5. Accusation No. 3662 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent Pharmacy. The Accusation and other statutorily required documents were properly served on Respondent Pharmacy on or about January 5, 2011. Respondent Pharmacy timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 3662 is attached as Exhibit A, and incorporated herein by reference.

6. Statement of Issues No. 4311 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Applicant Meyers, Inc. The Statement of Issues and other statutorily required documents were properly served on Applicant Meyers, Inc. on or about September 13, 2011. A copy of Statement of Issues No. 4311 is attached as Exhibit B, and incorporated herein by reference.

ADVICEMENT AND WAIVERS

7. Respondent Pharmacy has carefully read, fully discussed with counsel, and understand, the charges and allegations in Accusation No. 3662. Respondents have also carefully read, fully discussed with counsel, and understand, the effects of this Stipulated Settlement and Disciplinary Order for Surrender, as applicable to its license.

8. Applicant Meyers, Inc. has carefully read, fully discussed with counsel, and understands, the charges and allegations in Statement of Issues No. 4311. Applicant Meyers, Inc., has also carefully read, fully discussed with counsel, and understands, the effects of this Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand, as applicable to the license to be issued thereto.
9. Respondent and Applicant are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at their own expense; the right to confront and cross-examine witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent and Applicant voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

11. Respondent Pharmacy admits the truth of each and every charge and allegation in Accusation No. 3662, agree that cause exists for discipline of Pharmacy Permit No. PHY 32271.

12. Applicant Meyers, Inc. admits that at a hearing, Complainant could establish a factual basis for the charges and allegations in Accusation No. 3662 and Statement of Issues No. 4311, and that those charges and allegations are cause for denial of its application for a Community Pharmacy Permit. Respondent hereby gives up its right to contest those charges, and hereby agrees to be bound by the Board’s imposition of discipline as set forth in the Disciplinary Order below.

13. Respondent and Applicant understand and agree that by their signing this stipulation, the Board is enabled to issue one or more orders accepting the surrender of license from Respondent Pharmacy, and issuing a Pharmacy Permit to Applicant Meyers, Inc., subject to the Disciplinary Order below, without further process or opportunity to be heard.

RESERVATION

14. The stipulations, agreements and admissions made by Respondent and Applicant herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.
CONTINGENCY

15. This stipulation shall be subject to approval by the Board of Pharmacy.

Respondent and Applicant understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent, Applicant, or their counsel. By signing the stipulation, Respondent and Applicant understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this agreement as its Decision and Order, this Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand shall be of no force or effect, except for this paragraph, shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action against any party to this global stipulation by having considered this matter.

16. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand, including facsimile signatures thereto, shall have the same force and effect as the originals.

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

DISCIPLINARY ORDER

1. **IT IS HEREBY ORDERED** that the current pharmacist-in-charge for Respondent Pharmacy shall complete a course pre-approved by the Board related to the subject matter of records-keeping of controlled substances.

2. **IT IS FURTHER ORDERED** that Respondent Pharmacy shall pay the Board its costs of investigation and enforcement in the amount of $5,500.00 prior to issuance of a new permit to Applicant Meyers, Inc.

3. **IT IS FURTHER ORDERED** that upon submission of proof of completion of the pre-approved course related to records-keeping of controlled substance and payment of costs
in the amount of $5,500.00 satisfactory to the Board, Respondent Pharmacy shall surrender its
Pharmacy Permit No. PHY 32271 to the Board for the Board’s formal acceptance.

4. The surrender of Respondent Pharmacy’s Pharmacy Permit, and the acceptance
of the surrendered permit by the Board, shall constitute the imposition of discipline against
Respondent Pharmacy. This stipulation constitutes a record of discipline and shall become a part
of Respondent Pharmacy’s license history with the Board.

5. Respondent Pharmacy shall lose all rights and privileges as a pharmacy in
California as of the date of the Board’s receipt of the proof of completion of the above-referenced
course and payment of costs.

6. Respondent Pharmacy shall cause to be delivered to the Board all
documentation of its pharmacy permit issued by the Board, including any wall license certificate,
along with the submission of proof of completion of the above-reference course and payment of
costs.

7. *IT IS FURTHER ORDERED* that upon satisfactory completion of the above-
referenced requirements, the Board shall issue a Pharmacy Permit to Applicant Meyers, Inc.,
along with a Letter of Public Reprimand.

8. *IT IS FURTHER ORDERED* that the current pharmacist-in-charge of the
pharmacy under the new Pharmacy Permit to be issued to Applicant Meyers, Inc., shall complete
a self-assessment form from the Board’s website on a quarterly basis for a period of three (3)
years from the effective date of the Decision and Order adopting this stipulation, and maintain a
copy of each self-assessment form on the premises of the pharmacy subject to inspection by the
Board.

9. *IT IS FURTHER ORDERED* that if Respondent Pharmacy fails to submit to the
Board satisfactory proof of completion of the above-referenced course and payment of costs in
the amount of $5,500.00 within 180 days of the effective date of the Decision and Order adopting
this stipulation, then Pharmacy Permit No. PHY 32271 shall be deemed revoked, and the
application for Community Pharmacy Permit by Applicant Meyers, Inc. shall be deemed denied,
each without further notice or hearing.
ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand and have fully discussed it with the authorized legal representatives of Respondent Pharmacy who understand the stipulation and the effect it will have on Pharmacy Permit No. PHY 32271. I am designated and authorized to enter into this Stipulated Settlement and Disciplinary Order for Surrender voluntarily, knowingly, and intelligently, and agree on behalf of Respondent Pharmacy that it will bind by the Decision and Order of the Board of Pharmacy.

DATED:

HERBERT L. WEINBERG
Designated Representative and Attorney for Respondent Pharmacy

I have carefully read the above Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Community Pharmacy Permit Application, and Pharmacy Permit. I enter into this Stipulated Settlement for Public Reprimand voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

DAVID MEYERS, President/CFO

DATED: Oct 9, 2017

CATHLEEN MEYERS, Secretary
on behalf of
MEYERS PHARMACY, INC.
dba DE SOTO PHARMACY
Applicant for Community Pharmacy Permit

STIPULATED SETTLEMENT (1683)
I have read and fully discussed with Respondent Pharmacy and Applicant Meyers, Inc., the terms and conditions and other matters contained in this Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand. I approve its form and content.

DATED: 10/9/2012

HERBERT L. WEINBERG
Attorneys for Respondent and Applicant

ENDORSEMENT

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

DATED: ________________

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

DESIREE TULLEMS
Deputy Attorney General
Attorneys for Complainant
I have read and fully discussed with Respondent Pharmacy and Applicant Meyers, Inc., the terms and conditions and other matters contained in this Stipulated Settlement and Disciplinary Order for Surrender and Stipulated Settlement for Public Reprimand. I approve its form and content.

DATED: __________________________

HERBERT L. WEINBERG
Attorney for Respondent and Applicant

ENDORSEMENT

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

DATED: October 9, 2012

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

DESIREE TULLENS
Deputy Attorney General
Attorneys for Complainant
Re: LETTER OF PUBLIC REPRIMAND
In the Matter of the Statement of Issues Against:
Meyers Pharmacy Inc. dba De Soto Pharmacy
Pharmacy Permit No. _______

Dear Mr. David Meyers and Ms. Cathleen Meyers:

On August 30, 2012, the California State Board of Pharmacy, filed a Statement of Issues against your application for a community pharmacy permit.

The Statement of Issues alleges that Meyers Pharmacy, dba as De Soto Pharmacy, of which you were both officers of the corporation under the previous pharmacy permit number PHY 32271, engaged in unprofessional conduct as set forth in an accusation filed on December 30, 2010, against that pharmacy permit under Business and Professions Code section 4081 and California Code of Regulations, title 16, section 1718. Specifically, between May 27, 2007 and April 15, 2009, the former pharmacy and former pharmacist-in-charge failed to take regular inventory of its controlled substances, and failed to maintain controlled substance inventory records on the premises.

On or about April 11, 2009, a pharmacy employee was viewed via video surveillance removing from pharmacy shelves and premises a 500 count bottle of Norco and taking it out to his vehicle. Around this same time, De Soto Pharmacy completed its inventory of Hydrocodone, Norco, and Vicodin, losses and reported the loss to police and the Federal Drug Enforcement Administration. They filed “Report of Theft or Loss of Controlled Substances” acknowledged losses of 43,000 tablets of Norco and 62,000 tablets of Vicodin ES on and between May 27, 2007 and April 15, 2009. The pharmacy technician was terminated from employment and separately disciplined by the board.

As new owners, the Board has decided that the charges remaining against Meyers Pharmacy, Inc., dba De Soto Pharmacy, PHY _______ warrant a public reprimand.

Accordingly, in resolution of this matter under the authority provided under Business and Professions Code section 495, the Board of Pharmacy issues this letter of public reprimand.

Sincerely,

VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

MEYERS PHARMACY INC.
dba DE SOTO PHARMACY;
Jerry Meyers, President and Pharmacist-In-Charge
20914 Roscoe Boulevard
Canoga Park, CA 91304

Pharmacy Permit No. PHY 32271,

and

JERRY MEYERS
20914 Roscoe Blvd.
Canoga Park, CA 91304

Pharmacist License No. RPH 24673

Respondents.

Complainant alleges:

PARTIES

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

De Soto Pharmacy Permit

2. On or about July 1, 1985, the Board issued Pharmacy Permit No. PHY 32271 to Meyers Pharmacy Inc. doing business as De Soto Pharmacy; Jerry Meyers, President and

Attorneys for Complainant
Pharmacist-in-Charge (Respondent De Soto Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on July 1, 2011, unless renewed.

Pharmacist License

3. On or about August 12, 1966, the Board issued Pharmacist License No. RPH 24673 to Jerry Meyers (Respondent Meyers). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

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

6. Section 4081 states:

“(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.
(b) The owner, officer, and partner of a pharmacy, dealer, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or designated representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or designated representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge or designated representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

7. Section 4300, subdivision (a), states that "[e]very license issued may be suspended or revoked."

8. Section 4301 states, in pertinent part:

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

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

REGULATORY PROVISIONS

9. 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."

COST RECOVERY

10. 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.

CAUSE FOR DISCIPLINE

(Failure to Take Inventories and Maintain Inventory Records)

11. Respondents are subject to disciplinary action under section 4301, subdivision (c), on the grounds of unprofessional conduct, for violating section 4081 and California Code of Regulations, title 16, section 1718, in that, on and between May 27, 2007, and April 15, 2009, Respondents failed to take regular inventory of its controlled substances and failed to maintain controlled substance inventory records on the premises. The circumstances are as follows:

a. In or about April 2009, Respondents initiated an internal pharmacy investigation regarding pharmacy losses.

b. On or about April 11, 2009, a pharmacy employee was viewed via video surveillance removing from pharmacy shelves and premises a 500 count bottle of Norco and taking it out to his vehicle.

c. On or about April 19, 2009, De Soto Pharmacy completed its inventory of Hydrocodone, Norco and Vicodin, losses and reported the loss to police and the Federal Drug Enforcement Administration. Respondents filed “Report of Theft or Loss of Controlled Substances” acknowledged losses of 43,000 tablets of Norco and 62,000 tablets of Vicodin ES, on and between May 27, 2007 and April 15, 2009,

d. On or about April 20, 2009, Respondents filed a police report for the pharmacy losses.

PRAYER

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

1. Revoking or suspending Pharmacy Permit No. PHY 32271, issued to Meyers Pharmacy Inc. doing business as De Soto Pharmacy; Jerry Meyers, President and Pharmacist-In-Charge;
2. Revoked or suspending Pharmacist License No. H 24673, issued to Jerry Meyers;

3. Ordering De Soto Pharmacy and Jerry Meyers to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

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

DATED: 12/30/10

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant
BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Statement of Issues
Against:

MEYERS PHARMACY, INC., dba
De SOTO PHARMACY;
David Meyers, president/CEO
Cathleen Meyers, secretary

Community Pharmacy Permit Application
Respondent.

Complainant alleges:

PARTIES

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

2. On or about October 12, 2011, the Board of Pharmacy, Department of Consumer
Affairs received a Community Pharmacy Permit Application from Meyers Pharmacy, Inc., dba
De Soto Pharmacy, with David Meyers, president/CEO, and Cathleen Meyers, secretary,
(Respondent Pharmacy). The designated pharmacist-in-charge is Susan Rado. On or about
October 4, 2011, David Meyers and Cathleen Meyers certified under penalty of perjury as to the
truthfulness of all statements, answers, and representations in the application. The Board denied
the application on November 29, 2011. Respondent Pharmacy appealed the denial of the application on April 19, 2012.

JURISDICTION

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. This Statement of Issues is brought before the Board, under the authority of the following laws.

4. Business and Professions Code section 480, subdivision (a)(3), 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 which if done by a licentiate of the business or profession in question, would be grounds for suspension or revocation of license.

(B) The board may deny a license pursuant to this subdivision only if the crime or act is substantially related to the qualifications, functions or duties of the business or profession for which application is made."

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

(Acts Done by Licentiate)

6. Respondent's application is subject to denial under section 480, subdivision (a)(3), in that, Respondent engaged in acts which, if done by a licentiate, would constitute grounds for a suspension or revocation of license. The circumstances are as follows:

a. On or about October 12, 2011, the Board of Pharmacy, Department of Consumer Affairs received a Community Pharmacy Permit Application from Meyers Pharmacy, Inc., dba De Soto Pharmacy, with David Meyers, president/CEO, and Cathleen Meyers, secretary, (Respondent Pharmacy). The designated pharmacist-in-charge is Susan Rado.
b. Respondent's application is subject to denial based on causes for discipline alleged in Accusation No. 3662 filed by the Board of Pharmacy against Meyers Pharmacy, Inc., dba De Soto Pharmacy, Pharmacy Permit No. PHY 32271, and Jerry Meyers, Pharmacist License No. RPH 24673, president and pharmacist-in-charge (deceased), on December 30, 2010. A true and correct copy of Accusation No. 3662 is attached hereto as Exhibit "A", and incorporated herein by reference.

1. Accusation No. 3662 alleges the following cause for discipline against Meyers Pharmacy Inc., dba De Soto Pharmacy and Jerry Meyers: 1) failure to take inventories and maintain inventory records [violation of Bus. & Prof. Code §§ 4301(o) and 4081, and Cal.Code Regs., tit 16, § 1718].

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 for a Community Pharmacy Permit of Meyers Pharmacy, Inc. dba De Soto Pharmacy; David Meyers; Cathleen Meyers; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 8/30/12

[Signature]

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