

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

In the Matter of the Accusation Against:

**APEX PHARMACEUTICAL INC DBA
APEX MEDICAL DISTRIBUTOR;
ALEXANDER S. SOLIMAN
28298 Constellation Road
Valencia, CA 91355**

Wholesaler Permit No. WLS 3993,

and

**ALEXANDER S. SOLIMAN
28298 Constellation Road
Valencia, CA 91335**

**Designated Representative Certificate No.
EXC 16456**

Respondents.

Case No. 5225 and 5226

Citation No. CI 2007 36405 and CI 2009
40864

In the Matter of the Citations Against:

**APEX PHARMACEUTICAL INC DBA
APEX MEDICAL DISTRIBUTOR;
ALEXANDER S. SOLIMAN
28298 Constellation Road
Valencia, CA 91355**

Wholesaler Permit No. WLS 3993,

and

**ALEXANDER S. SOLIMAN
28298 Constellation Road
Valencia, CA 91335**

**Designated Representative Certificate No.
EXC 16456**

Respondents.

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 at 5:00 p.m. on August 2, 2018.

It is so ORDERED on July 3, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Victor Law", written over a horizontal line.

By

Victor Law, R.Ph.
Board President

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 EMILY Y. WADA
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7

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

10 In the Matter of the Accusation Against:

11 **APEX PHARMACEUTICAL INC DBA**
12 **APEX MEDICAL DISTRIBUTOR;**
13 **ALEXANDER S. SOLIMAN**
28298 Constellation Road
Valencia, CA 91355

14 Wholesaler Permit No. WLS 3993,

15 and

16 **ALEXANDER S. SOLIMAN**
17 28298 Constellation Road
Valencia, CA 91335

18 Designated Representative Certificate No.
19 EXC 16456

20 Respondents.

Case No. 5225 and 5226

Citation No. CI 2007 36405 and CI 2009
40864

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

21 In the Matter of the Citations Against:

22 **APEX PHARMACEUTICAL INC DBA**
23 **APEX MEDICAL DISTRIBUTOR;**
24 **ALEXANDER S. SOLIMAN**
28298 Constellation Road
Valencia, CA 91355

25 Wholesaler Permit No. WLS 3993,

26 and

27
28

1 **ALEXANDER S. SOLIMAN**
2 28298 Constalletion Road
3 Valencia, CA 91335

4 Designated Representative Certificate No.
5 EXC 16456

6 Respondents.

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

9 PARTIES

10 1. Virginia Herold (“Complainant”) is the Executive Officer of the Board of Pharmacy
11 (“Board”). She brought this action solely in her official capacity and is represented in this matter
12 by Xavier Becerra, Attorney General of the State of California, by Emily Y. Wada, Deputy
13 Attorney General.

14 2. Apex Pharmaceutical Inc dba Apex Medical Distributor; Alexander S. Soliman, and
15 Alexander S. Soliman (collectively, “Respondents”) are represented in this proceeding by
16 attorney Ron Marks, whose address is 2625 Townsgate Rd., Suite 330, Westlake Village, CA
17 91361 (Telephone (818) 347-8112).

18 3. On or about November 6, 2001, the Board issued Wholesaler Permit No. WLS 3993
19 to Apex Pharmaceutical Inc dba Apex Medical Distributor; Alexander S. Soliman (“Respondent
20 Apex”). The Wholesaler Permit expired on November 1, 2011, and has not been renewed.

21 4. On or about December 21, 2001, the Board issued Designated Representative License
22 No. EXC 16456 to Alexander Soliman (“Respondent Soliman”). Respondent Soliman became
23 the Designated Representative-in-Charge of Respondent Apex on February 19, 2002. The
24 Designated Representative License expired on December 1, 2010, and has not been renewed.

25 JURISDICTION

26 5. Accusation No. 5225 and 5226 was filed before the Board, and is currently pending
27 against Respondents. The Accusation and all other statutorily required documents were properly
28 served on Respondents on March 28, 2017. Respondents timely filed their Notice of Defense

1 contesting the Accusation. A copy of Accusation No. 5225 is attached as Exhibit A and
2 incorporated by reference.

3 6. Citation No. CI 2007 36405 was filed before the Board, and is currently pending
4 against Respondent Apex. The Citation and all other statutorily required documents were
5 properly served on Respondent Apex on September 15, 2009. Respondent Apex timely filed a
6 request for hearing to contest the citation. A copy of Citation No. CI 2007 36405 is attached as
7 Exhibit B and incorporated herein by reference.

8 7. Citation No. CI 2009 40864 was filed before the Board, and is currently pending
9 against Respondent Soliman. The Citation and all other statutorily required documents were
10 properly served on Respondent Soliman on September 15, 2009. Respondent Soliman timely
11 filed a request for hearing to contest the citation. A copy of Citation No. CI 2009 40864 is
12 attached as Exhibit C and incorporated herein by reference.

13 ADVISEMENT AND WAIVERS

14 8. Respondents have carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 5225 and 5226, and Citation No. CI 2007 36405 and
16 CI 2009 40864. Respondents also have carefully read, fully discussed with counsel, and
17 understands the effects of this Stipulated Surrender of License and Order.

18 9. Respondents are fully aware of their legal rights in this matter, including the right to a
19 hearing on the charges and allegations in the Accusation and Citations; the right to confront and
20 cross-examine the witnesses against them; the right to present evidence and to testify on their own
21 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
22 production of documents; the right to reconsideration and court review of an adverse decision;
23 and all other rights accorded by the California Administrative Procedure Act and other applicable
24 laws.

25 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and
26 every right set forth above.

27 ///

28 ///

1 CULPABILITY

2 11. Respondent Apex admits the truth of each and every charge and allegation in
3 Accusation No. 5225 and 5226, and Citation No. CI 2007 36405 and CI 2009 40864, and agrees
4 that cause exists for discipline, and hereby surrenders its Wholesaler Permit No. WLS 3993 for
5 the Board's formal acceptance.

6 12. Respondent Soliman admits the truth of each and every charge and allegation in
7 Accusation No. 5225 and 5226, and Citation No. CI 2007 36405 and CI 2009 40864, and agrees
8 that cause exists for discipline, and hereby surrenders his Designated Representative License No.
9 EXC 16456 for the Board's formal acceptance.

10 13. Respondents understand that by signing this stipulation the Board may issue an order
11 accepting the surrender of their Wholesaler Permit and Designated Representative License
12 without further process.

13 CONTINGENCY

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

23 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Surrender of License and Order, including Portable Document Format
25 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

26 16. This Stipulated Surrender of License and Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
3 executed by an authorized representative of each of the parties.

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

6 **ORDER**

7 IT IS HEREBY ORDERED that Wholesaler Permit No. WLS 3993, issued to Respondent
8 Apex Pharmaceutical Inc dba Apex Medical Distributor; Alexander S. Soliman, and that
9 Designated Representative License No. EXC 16456, issued to Alexander Soliman, are
10 surrendered and accepted by the Board of Pharmacy.

11 1. The surrender of Respondents' Wholesaler Permit and Designated Representative
12 License and the acceptance of the surrendered licenses by the Board shall constitute the
13 imposition of discipline against Respondents. This stipulation constitutes a record of the
14 discipline and shall become a part of Respondents' license history with the Board of Pharmacy.

15 2. Respondents shall lose all rights and privileges as a wholesaler and designated
16 representative in California as of the effective date of the Board's Decision and Order.

17 3. Respondents shall cause to be delivered to the Board their pocket license and, if one
18 was issued, their wall certificates on or before the effective date of the Decision and Order.

19 4. If either of Respondents ever applies for licensure or files a petition for reinstatement
20 in the State of California, the Board shall treat it as a new application for licensure. Respondents
21 must comply with all the laws, regulations and procedures for licensure in effect at the time the
22 application or petition is filed, and all of the charges and allegations contained in Accusation No.
23 5225 and 5226 and Citation No. CI 2007 36405 and CI 2009 40864 shall be deemed to be true,
24 correct and admitted by Respondents when the Board determines whether to grant or deny the
25 application or petition.

26 5. Respondents shall pay the agency its costs of investigation and enforcement in the
27 amount of \$15,494.00 prior to issuance of a new or reinstated license.

28

1 6. If Respondents should ever apply or reapply for a new license or certification, or file
 2 a petition for reinstatement of a license, by any other health care licensing agency in the State of
 3 California, all of the charges and allegations contained in Accusation No. 5225 and 5226 and
 4 Citation No. CI 2007 36405 and CI 2009 40864 shall be deemed to be true, correct, and admitted
 5 by Respondents for the purpose of any Statement of Issues or any other proceeding seeking to
 6 deny or restrict licensure.

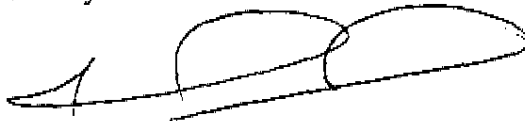
7 7. Respondents shall not apply for licensure or petition for reinstatement for three (3)
 8 years from the effective date of the Board's Decision and Order.

9 IT IS ALSO HEREBY ORDERED that the fines in Citation No. CI 2007 36405 and CI
 10 2009 40864 shall be reduced from \$405,000.00, each, to \$0.00, and are otherwise affirmed.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Surrender of License and Order and have fully
 13 discussed it with my attorney, Ron Marks. I understand the stipulation and the effect it will have
 14 on my Wholesaler Permit and Designated Representative License. I enter into this Stipulated
 15 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound
 16 by the Decision and Order of the Board of Pharmacy.

17
 18 DATED: 4/26/2018



APEX PHARMACEUTICAL INC DBA APEX
 MEDICAL DISTRIBUTOR; ALEXANDER S.
 SOLIMAN
 Respondent


22 DATED: 4/26/2018



ALEXANDER S. SOLIMAN
 Respondent

24 ///
 25 ///
 26 ///
 27 ///
 28 ///

1 I have read and fully discussed with Respondents Apex Pharmaceutical Inc dba Apex
 2 Medical Distributor; Alexander S. Soliman, and Alexander S. Soliman the terms and conditions
 3 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
 4 and content.

5
 6 DATED: 4/26/18 
 7 RON MARKS
 8 *Attorney for Respondent*

9 ENDORSEMENT

10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
 11 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

12 Dated: Respectfully submitted,
 13 XAVIER BECERRA
 14 Attorney General of California
 15 THOMAS L. RINALDI
 16 Supervising Deputy Attorney General
 17
 18 EMILY Y. WADA
 19 Deputy Attorney General
 20 *Attorneys for Complainant*

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 25
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 27
 28

1 I have read and fully discussed with Respondents Apex Pharmaceutical Inc dba Apex
2 Medical Distributor; Alexander S. Soliman, and Alexander S. Soliman the terms and conditions
3 and other matters contained in this Stipulated Surrender of License and Order. I approve its form
4 and content.

5
6 DATED: _____

RON MARKS
Attorney for Respondent

8
9 ENDORSEMENT

10 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
11 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

12 Dated:

13 April 27, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

15
16
17 EMILY Y. WADA
Deputy Attorney General
Attorneys for Complainant

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19
20 LA2014512168
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Exhibit A

Accusation No. 5225 and 5226

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

10
11 In the Matter of the Accusation Against:

Case Nos. 5225 and 5226

12 **APEX MEDICAL DISTRIBUTOR**
28298 Constellation Rd.
13 Valencia, CA 91355
Wholesaler Permit No. WLS 3993;

ACCUSATION

14 **ALEXANDER SOLIMAN**
20305 Adriana Pl.
15 Valencia, CA 91351
Designated Representative No. EXC 16456 (Status 1);

16
17 **ARROW-MED PHARMACY**
7111 Winnetka Ave., #10
18 Canoga Park, CA 91306
Pharmacy License No. PHY 50024;

19 **JANA HEALTHCARE PHARMACY**
7111 Winnetka Ave., #2
20 Canoga Park, CA 91306
Pharmacy License No. PHY 49223 (sold);

21 and

22
23 **SOLIMAN A. SOLIMAN**
5435 Donna Ave.
24 Tarzana, CA 91356
Registered Pharmacist License No. RPH 45176;

25 Respondents.
26

27 Complainant alleges:
28

1 **PARTIES**

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

4 2. On or about November 6, 2001, the Board of Pharmacy (“Board”) issued Wholesaler
5 License No. WLS 3993 to Apex Medical Distributor (“Apex”) located at 28298 Constellation Rd
6 in Valencia, CA 91355. The license expired on November 1, 2011, and has not been renewed.

7 3. On or about December 21, 2001, the Board issued Designated Representative License
8 No. EXC 16456 to Alexander Soliman. Alexander Soliman became Designated Representative-
9 in-Charge (“DRIC”) of Apex on February 19, 2002. The license expired on December 1, 2010,
10 and has not been renewed.

11 4. On or about October 1, 2009, the Board issued Pharmacy License No. PHY 50024 to
12 Arrow-Med Pharmacy (“Arrow-Med”) located at 7111 Winnetka Ave. #10 in Canoga Park, CA
13 91306. The license expired on October 1, 2014, and has not been renewed.

14 5. On or about March 11, 1992, the Board issued Registered Pharmacist (“RPH”)
15 License No. RPH 45176 to Mr. Soliman Soliman. RPH Soliman became Pharmacist-in-Charge
16 (“PIC”) of Arrow-Med on October 1, 2009. The license will expire on December 31, 2017 unless
17 renewed.

18 6. On or about March 20, 2009, the Board issued Pharmacy License No. PHY 49223 to
19 Jana Healthcare Pharmacy (“Jana”) located at 7111 Winnetka Ave. #2 in Canoga Park, CA
20 91306. The pharmacy was sold on October 4, 2011 and relocated to 5233 Melrose Ave, Los
21 Angeles, CA 90038 with a different license of PHY 50759. RPH Soliman Soliman was PIC of
22 Jana from August 1, 2010 to October 5, 2011.

23 **JURISDICTION**

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

27 8. Section 118, subdivision (b), provides in pertinent part that the suspension,
28 expiration, or forfeiture by operation of law of a license issued by a Board in the Department, or

1 its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its
2 surrender without the written consent of the board, shall not, during any period in which it may be
3 renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue
4 a disciplinary proceeding against the licensee upon any ground provided by law or to enter an
5 order suspending or revoking the license or otherwise taking disciplinary action against the
6 licensee on any such ground.

7 9. Section 4011 of the Code provides that the Board shall administer and enforce both
8 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
9 Act [Health & Safety Code, § 11000 et seq.].

10 10. Section 4300(a) of the Code provides that every license issued by the Board may be
11 suspended or revoked.

12 11. Section 4300.1 of the Code states:

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

19 12. Section 4307(a) of the Code states:

20 Any person who has been denied a license or whose license has been revoked
21 or is under suspension, or who has failed to renew his or her license while it was
22 under suspension, or who has been a manager, administrator, owner member, officer,
23 director, associate, or partner of any partnership, corporation, firm, or association
24 whose application for a license has been denied or revoked, is under suspension or
25 has been placed on probation, and while acting as the manger, administrator, owner,
26 member, officer, director, associate, or partner had knowledge or knowingly
27 participated in any conduct for which the license was denied, revoked, suspended, or
28 placed on probation, shall be prohibited from serving as a manger, administrator,
owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

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1 every manufacturer, wholesaler, pharmacy . . . or establishment holding a currently
2 valid and unrevoked certificate [or] license. . . who maintains a stock of dangerous
3 drugs or dangerous devices.

4 (b) The owner, officer, and partner of any pharmacy [or] wholesaler. . . shall be
5 jointly responsible, with the pharmacist-in-charge or representative-in-charge, for
6 maintaining the records and inventory described in this section.

7 19. Section 4105 of the Code states:

8 (a) All records or other documentation of the acquisition and disposition of
9 dangerous drugs and dangerous devices by any entity licensed by the board shall be
10 retained on the licensed premises in a readily retrievable form.

11

12 (c) The records required by this section shall be retained on the licensed
13 premises for a period of three years from the date of making.

14 20. Section 4126.5 of the Code states:

15 (a) A pharmacy may furnish dangerous drugs only to the following:

16 (1) A wholesaler owned or under common control by the wholesaler from
17 whom the dangerous drug was acquired.

18 (2) The pharmaceutical manufacturer from whom the dangerous drug was
19 acquired.

20 (3) A licensed wholesaler acting as a reverse distributor.

21 (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a
22 dangerous drug that could result in the denial of health care. A pharmacy furnishing
23 dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to
24 alleviate the temporary shortage.

25 (5) A patient or to another pharmacy pursuant to a prescription or as otherwise
26 authorized by law.

27 (6) A health care provider that is not a pharmacy but that is authorized to
28 purchase dangerous drugs.

(7) To another pharmacy under common control.

21. Section 4160 of the Code provides, in pertinent part, that a wholesaler license shall be
required for a person or entity to act as a wholesaler, that every wholesaler shall be supervised or
managed by a Designated Representative-in-Charge, and that the Designated Representative-in-
Charge shall be responsible for the wholesaler's compliance with state and federal laws.

22. Section 4163 of the Code states:

1 (a) A manufacturer, wholesaler, repackager, or pharmacy may not furnish a
2 dangerous drug or dangerous device to an unauthorized person.

3 23. Section 4169 of the Code states in pertinent part:

4 (a) A person or entity may not do any of the following:

5 (1) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices at
6 wholesale with a person or entity that is not licensed with the board as a
7 wholesaler or pharmacy.

8 (5) Fail to maintain records of the acquisition or disposition of dangerous
9 drugs or dangerous devices for at least three years.

10 24. Section 4301 of the Code states, in pertinent part:

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

15 (c) Gross negligence.

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

21 (q) Engaging in any conduct that subverts or attempts to subvert an
22 investigation of the board.

23 25. Section 4380 of the Code states:

24 (a) The resale, by any person, of drugs acquired at preferentially low prices
25 permitted under federal law only because of the Nonprofit Institutions Act (15
26 U.S.C. Sec. 13c) is prohibited except in any of the following instances:

27 (1) When for the person's own use, as defined by the federal courts in
28 *Abbott Labs. v. Portland Retail Druggists* (425 U.S. 1, 47 L. Ed. 2d 537) and
DeModena v. Kaiser Foundation Health Plan, Inc. (743 F. 2d 1388).

(2) When sold to a purchaser also eligible for those prices under the
Nonprofit Institutions Act, that controls, is controlled by, or is under common
control with, the seller, and that purchases the products for its own use, as defined
in paragraph (1).

1 (3) When sold to a walk-in customer pursuant to a prescription, provided
2 that those sales represent less than 1 percent of the drugs purchased by the seller
3 for its own use in this state.

4 (b) Nothing in this article prohibits the resale of drugs to any person in the
5 occasional emergency situation where no other sources are readily available in the
6 community to meet the emergency need.

7 REGULATORY PROVISIONS

8 26. California Code of Regulations, title 16, section 1708.2 states, "Any permit holder
9 shall contact the board prior to transferring or selling any dangerous drugs, devices or
10 hypodermics inventory as a result of termination of business or bankruptcy proceedings and shall
11 follow official instructions given by the board applicable to the transaction."

12 27. California Code of Regulations, Title 16, section 1781 states, "A registered
13 pharmacist or a designated representative certified in accordance with Section 4053 or 4054 of
14 the Business and Professions Code shall be present and in control of a manufacturer's or
15 wholesaler's licensed premises during the conduct of business."

16 COST RECOVERY

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

21 DRUG DEFINITIONS

22 29. Soma, generic name carisoprodol, is classified as a dangerous drug pursuant to
23 Business and Professions Code section 4022, subsection (a). Effective January 11, 2012, the
24 Drug Enforcement Administration classified carisoprodol as a Schedule IV controlled substance
25 pursuant to Title 21, Code of Federal Regulations, section 1308.14(c)(6).

26 30. Versed, generic name midazolam, is a Schedule IV controlled substance pursuant to
27 Health & Safety Code section 11057(d) and a dangerous drug per Business & Professions Code
28 section 4022.

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1 **FACTUAL ALLEGATIONS**

2 31. On or about February 7, 2013, an inspector for the Board traveled to Respondent
3 Apex Medical Distributor in Valencia to conduct an inspection and contacted Designated
4 Representative-in-Charge (DRIC) Alexander Soliman. The inspector explained to DRIC Soliman
5 that his designated representative license (EXC 16456) had expired on December 1, 2010, and
6 was not renewed, and that the Wholesaler Permit of Apex (WLS 3993) also had expired on
7 November 1, 2011, and was not renewed.

8 32. Upon inspecting the warehouse in the back, the inspector found bottles of
9 carisoprodol 350 mg. ("Soma"), a Schedule IV Controlled Substance. He also found boxes of
10 midazolam ("Versed"), a Schedule IV Controlled Substance, and other legend pharmaceuticals
11 and devices.

12 33. In the office of Apex, the inspector found a folder of sales invoices from HD Smith
13 Wholesale Drug Co. to Jana Pharmacy and to Arrow-Med Pharmacy. DRIC Alexander Soliman
14 stated the two pharmacies were owned by his father, Soliman Soliman, and that his father was
15 helping him out by selling pharmaceuticals to him. When asked by the inspector if he had
16 invoices from Jana or Arrow-Med evidencing these sales, DRIC Soliman responded that he did
17 not have any invoices.

18 34. On or about July 17, 2013, the inspector travelled to Arrow-Med Pharmacy in Canoga
19 Park. Although the pharmacy was closed, the owner and Pharmacist-in-Charge (PIC), Soliman
20 Soliman, was present. The inspector requested invoices regarding sales of drugs from Jana and
21 Arrow-Med Pharmacies to Apex. PIC Soliman stated that he had sold Jana more than a year
22 prior, and that he did not have any invoices regarding the drugs sold to Apex. PIC Soliman stated
23 that he was a poor record keeper and that all of the drugs had been sent to Egypt. When asked if
24 he had any export documents or any invoices indicating to whom the drugs had been sold, PIC
25 Soliman stated he did not. The inspector then requested PIC Soliman immediately compile and
26 forward to the Board the following documents for review:

- 27 a. copies of the pharmacy's Policies and Procedures and self-assessment;
28 b. all invoices of transfers, sales, and/ or purchases between Arrow-Med and Apex;

- 1 c. all invoices of transfers, sales, and/ or purchases between Jana Pharmacy and Apex;
2 d. detailed explanations of all such transfers, sales, and/ or purchases, including
3 explanations of why and how the transfers were made;
4 e. copies of cancelled checks for payments between Arrow-Med and Jana pharmacies
5 and Apex; and
6 f. copies of HD Smith or other wholesaler invoices where the purchases of these drugs
7 were originally purchased and copies of cancelled checks relating to those transfers.

8 35. No invoices of transfers between Arrow-Med or Jana Pharmacies and Apex were ever
9 provided to the Board, nor were copies of any checks between the pharmacies and Apex.

10 36. On or about July 18, 2013, the inspector requested from HD Smith Wholesale Drug
11 Co. records of all sales made to Arrow-Med dating back to June 1, 2012 and information relating
12 to whether Arrow-Med or Jana belonged to a contract buying group.

13 37. On or about July 23, 2013, the inspector received a reply from HD Smith which
14 included a printout of sales to Arrow-Med and a copy of GPO Contract Designation Forms which
15 indicated that Arrow-Med and Jana were under contract to PDM Healthcare Group, and that they
16 agreed that products purchased at contract pricing were for their own use and prohibited from
17 resale with certain exceptions.

18 38. The invoices found by the inspector at Apex on February 7, 2013, itemizing sales by
19 HD Smith Wholesale Drug Co. to Jana Pharmacy and Arrow-Med Pharmacy revealed that Jana
20 (when owned by PIC Soliman) and Arrow-Med resold the dangerous drugs to Apex between
21 September 27, 2009 and April 14, 2011 for a total of \$381,123.59, even though Jana and Arrow-
22 Med were never licensed as wholesalers.

23 39. The invoices also revealed that Apex and its Designated Representative-in-Charge,
24 Alexander Soliman, ordered and received dangerous drugs from Jana and Arrow-Med after
25 Alexander Soliman's DRIC license had expired on December 1, 2010.

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FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

40. Respondents are each and severally subject to discipline under section 4301 of the Code, in that the acts described in paragraphs 31 through 39 constitute unprofessional conduct.

SECOND CAUSE FOR DISCIPLINE

(Conduct that Subverts or Attempts to Subvert an Investigation by the Board)

41. Respondents are each and severally subject to discipline under section 4301(q) of the Code in that they failed, neglected, or refused to maintain or provide accurate/ correct invoices of transfers of dangerous drugs as set forth in paragraphs 31 through 39, which are incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Acting as an Unlicensed Wholesalers)

42. Respondents Jana, Arrow-Med, and Soliman Soliman are each and severally subject to discipline under Code section 4301(o), for violating and/or attempting to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate, the laws governing pharmacy, in that Respondents transferred dangerous drugs or dangerous devices while not licensed as a wholesaler, thus violating Code section 4160, as set forth in paragraphs 31 through 39, which are incorporated herein by reference.

FOURTH CAUSE FOR DISCIPLINE

(Acting as a Wholesaler Without A Designated Representative)

43. Respondents Apex and Alexander Soliman are each and severally subject to discipline under Code section 4301(o), for violating Code section 4059.5(a), in conjunction with California Code of Regulations, Title 16, section 1781, in that they ordered and received dangerous drugs from pharmacies without a licensed designated representative from at least December 1, 2010 through April 14, 2011, as set forth in paragraphs 31 through 39, which are incorporated herein by reference.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Keep Records of Acquisitions Open for Inspection**
3 **and to Keep a Current Inventory)**

4 44. Respondents Apex, Alexander Soliman, Jana Pharmacy, Soliman Soliman, and
5 Arrow-Med are each and severally subject to disciplinary action under Code sections 4301(o), for
6 violating Code sections 4081(a) and (b) in that they failed, refused, or neglected to keep records
7 of the sale, acquisition, or disposition of dangerous drugs open for inspection or to keep a current
8 inventory of the dangerous drugs originally furnished by HD Smith Wholesale Drug Co., as set
9 forth in paragraphs 31 through 39, which are incorporated herein by reference.

10 **SIXTH CAUSE FOR DISCIPLINE**

11 **(Failure to Notify the Board of Termination of Business)**

12 45. Respondents Apex and Alexander Soliman are each and severally subject to
13 disciplinary action under Code sections 4301(o), for violating California Code of Regulations,
14 Title 16, section 1708.2, in that they failed to notify the Board of the closure of the business in
15 2011, exact date unknown.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Have Pharmacist or Licensed**
18 **Designated Representative on Premise)**

19 46. Respondents Apex and Alexander Soliman are each and severally subject to
20 disciplinary action under Code sections 4301(o), for violating California Code of Regulations,
21 Title 16, section 1781, in that Apex had dangerous drugs with no licensed designated
22 representative or pharmacist on the premises when visited by a Board inspector on February 7,
23 2013.

24 **EIGHTH CAUSE FOR DISCIPLINE**

25 **(Prohibited Sales or Transfers)**

26 47. Respondents Alexander Soliman and Apex are each and severally subject to
27 disciplinary action under Code sections 4301(o), for violating Code section 4126.5(a)(1), in that
28 they sold or transferred dangerous drugs to Apex.

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Furnishing Dangerous Drugs to Unauthorized Persons)**

3 48. Respondents Soliman Soliman, Arrow-Med, and Jana are each and severally subject
4 to disciplinary action under Code sections 4301(o), for violating Code section 4163(a) in that they
5 furnished dangerous drugs to Alexander Soliman after his Designated Representative's license
6 expired on December 1, 2010, as set forth in paragraphs 31 through 39, which are incorporated
7 herein by reference.

8 **TENTH CAUSE FOR DISCIPLINE**

9 **(Unfair Trade Practices)**

10 49. Respondents Soliman Soliman, Arrow-Med, and Jana are each and severally subject
11 to disciplinary action under Code sections 4301(o), for violating Code section 4380 in that they
12 sold dangerous drugs to Apex which they had acquired at preferentially low prices through PDM
13 Healthcare Group under none of the specific exceptions allowed, as set forth in paragraphs 31
14 through 39, which are incorporated herein by reference.

15 **ELEVENTH CAUSE FOR DISCIPLINE**

16 **(Failure to Maintain Records)**

17 50. Respondents Soliman Soliman, Arrow-Med, and Jana are each and severally subject
18 to disciplinary action under Code sections 4301(o), for violating Code sections 4105(a) and (c),
19 in that they failed to retain records or other documentation of the acquisition and disposition of
20 dangerous drugs on the licensed premises in a readily retrievable form for a period of three years,
21 as set forth in paragraphs 31 through 39, which are incorporated herein by reference.

22 **OTHER MATTERS**

23 51. Pursuant to Code section 4307, if discipline is imposed on Wholesaler Permit No.
24 WLS 3993 issued to Apex Medical Distributor and Alexander Soliman while acting as the
25 manager, administrator, owner, member, officer, director, associate, or partner of Apex had
26 knowledge of or knowingly participated in any conduct for which Wholesaler Permit No. WLS
27 3993 was revoked, suspended or placed on probation, Alexander Soliman shall be prohibited
28 from serving as a manager, administrator, owner, member, officer, director, associate, or partner

1 of a licensee for five years if Wholesaler Permit No. WLS 3993 is placed on probation or until
2 Wholesaler Permit No. WLS 3993 is reinstated if it is revoked.

3 52. Pursuant to Code section 4307, if discipline is imposed on Designated
4 Representative License No. EXC 16456 (Status 1) issued to Alexander Soliman, he shall be
5 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
6 or partner of a licensee for five years if Designated Representative License No. EXC 16456
7 (Status 1) is placed on probation or until Designated Representative License No. EXC 16456
8 (Status 1) is reinstated if it is revoked.

9 53. Pursuant to Code section 4307, if discipline is imposed on Pharmacy License No.
10 PHY 50024, issued to Arrow-Med Pharmacy and Soliman Soliman while acting as the manager,
11 administrator, owner, member, officer, director, associate, or partner of Arrow-Med had
12 knowledge of or knowingly participated in any conduct for which Pharmacy License No. PHY
13 50024 was revoked, suspended or placed on probation, Soliman Soliman shall be prohibited
14 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
15 of a licensee for five years if Pharmacy License No. PHY 50024 is placed on probation or until
16 Pharmacy License No. PHY 50024 is reinstated if it is revoked.

17 54. Pursuant to Code section 4307, if discipline is imposed on Pharmacy License No.
18 PHY 49223, issued to Jana Healthcare Pharmacy and Soliman Soliman while acting as the
19 manager, administrator, owner, member, officer, director, associate, or partner of Jana had
20 knowledge of or knowingly participated in any conduct for which Pharmacy License No. PHY
21 49233 was revoked, suspended or placed on probation, Soliman Soliman shall be prohibited
22 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
23 of a licensee for five years if Pharmacy License No. PHY 49223 is placed on probation or until
24 Pharmacy License No. PHY 49223 is reinstated if it is revoked.

25 55. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
26 No. RPH 45176 issued to Soliman Soliman, he shall be prohibited from serving as a manager,
27 administrator, owner, member, officer, director, associate, or partner of a licensee for five years
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1 if Pharmacist License No. RPH 45176 is placed on probation or until Pharmacist License No.
2 RPH 45176 is reinstated if it is revoked.

3 **DISCIPLINARY CONSIDERATIONS**

4 56. To determine the degree of discipline, if any, to be imposed on Respondent Apex
5 Medical Distributor, Complainant alleges that on or about September 15, 2009, the Board issued
6 Citation No. CI 2007 36405 against Apex for violating Business and Professions Code section
7 4169(a)(1), in that it purchased, traded, sold, or transferred dangerous drugs to unlicensed person
8 or entity. It has not paid the fine of \$405,000.00 imposed by the Citation.

9 57. To determine the degree of discipline, if any, to be imposed on Respondent
10 Alexander Soliman, Complainant alleges that on or about September 15, 2009, the Board issued
11 Citation No. CI 2009 40864 against Alexander Soliman for violating Business and Professions
12 Code section 4169(a)(1), in that he purchased, traded, sold, or transferred dangerous drugs to
13 unlicensed person or entity. He has not paid the fine of \$405,000.00 imposed by the Citation.

14 **PRAYER**

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

17 1. Revoking or suspending Wholesaler Permit No. WLS 3993, issued to Apex Medical
18 Distributors;

19 2. Revoking or suspending Designated Representative License No. EXC 16456 (Status
20 1), issued to Alexander Soliman;

21 3. Revoking or suspending Pharmacy License No. PHY 50024, issued to Arrow-Med
22 Pharmacy;

23 4. Revoking or suspending Pharmacy License No. PHY 49223, issued to Jana
24 Healthcare Pharmacy;

25 5. Revoking or suspending Registered Pharmacist License No. RPH 45176, issued to
26 Soliman Soliman;

27 6. Prohibiting Alexander Soliman from serving as a manager, administrator, owner,
28 member, officer, director, associate, or partner of a licensee for five years if Wholesaler Permit

1 No. WLS 3993 is placed on probation or until Wholesaler Permit No WLS 3993 is reinstated if
2 revoked;

3 7. Prohibiting Alexander Soliman from serving as a manager, administrator, owner,
4 member, officer, director, associate, or partner of a licensee for five years if Designated
5 Representative License No. EXC 16456 (Status 1) is placed on probation or until Designated
6 Representative License No. EXC 16456 (Status 1) is reinstated if revoked;

7 8. Prohibiting Soliman Soliman from serving as a manager, administrator, owner,
8 member, officer, director, associate, or partner of a licensee for five years if Pharmacy License
9 No. PHY 50024 issued to Arrow-Med Pharmacy is placed on probation or until Pharmacy
10 License No. PHY 50024 is reinstated if revoked;

11 9. Prohibiting Soliman Soliman from serving as a manager, administrator, owner,
12 member, officer, director, associate, or partner of a licensee for five years if Pharmacy License
13 No. PHY 49223 issued to Jana Healthcare Pharmacy is placed on probation or until Pharmacy
14 License No. PHY 49223 is reinstated if revoked;

15 10. Prohibiting Soliman Soliman from serving as a manager, administrator, owner,
16 member, officer, director, associate, or partner of a licensee for five years if Registered
17 Pharmacist License No. RPH 45176 issued to him is placed on probation or until Pharmacist
18 License No. RPH 45176 is reinstated if revoked;

19 11. Ordering Respondents Apex, Alexander Soliman, Arrow-Med, Jana, and Soliman
20 Soliman to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
21 of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 3/22/17 Virginia Herold

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

(Rev.2/13/17)

Exhibit B

Citation No. CI 2007 36405

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

CITATION AND FINE

Citation Number CI 2007 36405	Name, License No. Apex Medical Distributor, WLS 3993
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JURISDICTION: Bus. & Prof. Code § 4005; CCR, title 16, § 1775; Bus. & Prof. Code § 4301, subd. (o)		
VIOLATION CODE SECTION	OFFENSE	AMT OF FINE
Bus. & Prof. Code § 4169 subd. (a)(1)	Prohibited Acts; Purchase, trade, sell, or transfer dangerous drugs to unlicensed person or entity...	\$405,000.00

CONDUCT:

Purchasing Dangerous Drugs from an Entity Not Licensed by the Board as a Wholesaler – Business & Professions Code section 4169 subdivision (a)(1) prohibits a person from purchasing dangerous drugs from an entity not licensed by this board as a wholesaler. Apex Medical Distributor, 28298 Constellation Road, Valencia, CA was not compliant. Specifically from between on or about 7/30/2007 to 3/6/08, on 81 separate occasions, Apex Medical Distributor purchased dangerous drugs from Drogueria Caballero Del Caribe, Bayamon, PR, a business not licensed with this board as a non resident wholesaler. In addition, on those same separate 81 occasions, the purchase of those dangerous drugs from Drogueria Caballero Del Caribe was brokered, negotiated for sale, made arrangements for delivery of the drugs and acceptance of payment, in some instances, by E-Tail Network, Santa Ana, CA, an unlicensed CA wholesaler.

	Date	Invoice	Pharmacy
1.	7/30/07	24	Sayre
2.	8/6/07	25	Sayre
3.	8/29/07	28	Sayre
4.	9/14/07	29	Sayre
5.	10/09/07	30	Sayre
6.	10/09/07	31	Sayre
7.	10/12/07	33	Sayre
8.	10/12/07	34	Sayre
9.	10/25/07	41	Sayre
10.	10/15/07	42	Sayre
11.	10/25/07	43	Sayre
12.	10/29/07	44	Sayre
13.	10/30/07	45	Sayre

14.	11/6/07	46	Sayre
15.	11/8/07	47	Sayre
16.	11/8/07	48	Sayre
17.	11/9/07	49	Sayre
18.	11/9/07	50	Sayre
19.	11/12/07	51	Sayre
20.	11/13/07	52	Sayre
21.	11/13/07	53	Sayre
22.	11/15/07	54	Sayre
23.	11/19/07	55	Sayre
24.	11/26/07	56	Sayre
25.	11/27/07	59	Sayre
26.	11/27/08	60	Sayre
27.	11/27/08	61	Sayre
28.	12/04/07	62	Sayre
29.	12/05/07	63	Sayre
30.	12/05/07	64	Sayre
31.	12/11/07	65	Sayre
32.	12/1/07	66	Sayre
33.	12/18/07	68	Sayre
34.	12/18/07	69	Sayre
35.	12/18/07	70	Sayre
36.	12/18/07	71	Sayre
37.	12/18/07	72	Sayre
38.	12/19/07	73	Sayre
39.	12/20/07	74	Sayre
40.	12/24/07	76	Sayre
41.	12/27/07	77	Sayre
42.	12/24/07	78	Sayre
43.	12/24/07	79	Sayre
44.	12/27/07	80	Sayre
45.	12/24/07	81	Sayre
46.	1/8/08	84	Sayre
47.	1/8/08	85	Sayre
48.	1/8/08	86	Sayre
49.	1/8/08	87	Sayre
50.	1/8/08	89	Sayre
51.	1/8/08	91	Sayre
52.	1/8/08	90	Sayre
53.	1/11/08	92	Sayre
54.	1/11/08	93	Sayre
55.	1/17/08	94	Sayre
56.	1/17/08	95	Sayre
57.	1/23/08	98	Sayre
58.	1/24/08	99	Sayre
59.	1/29/08	103	Sayre
60.	2/5/08	106	Sayre

61.	2/7/08	107	Sayre
62.	2/11/08	109	Sayre
63.	2/12/08	108	Sayre
64.	2/14/08	110	Sayre
65.	2/21/08	112	Sayre
66.	3/10/08	114	Sayre
67.	3/10/08	115	Sayre
68.	3/18/08	117	Sayre
69.	12/20/07	75	4LifeRx
70.	1/4/08	83	4Life Rx
71.	1/22/08	97	4LifeRx
72.	2/19/08	111	4LifeRx
73.	3/14/08	116	4LifeRx
74.	7/26/07	23	Infusion Solution
75.	8/24/07	27	Infusion Solution
76.	11/27/07	57	Infusion Solution
77.	12/13/07	67	Infusion Solution
78.	2/1/08	105	Infusion Solution
79.	3/6/08	113	Infusion Solution
80.	11/26/07	58	Park Blvd
81.	12/27/07	82	Park Blvd.

CITATION ISSUED ON: September 15, 2009

TOTAL AMOUNT OF FINE(S): \$405,000.00

PAYMENT OF FINE(S) DUE BY: October 15, 2009

Exhibit C

Citation No. CI 2009 40864

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

CITATION AND FINE

Citation Number CI 2009 40864	Name, License No. Alexander Soliman, EXC 16456
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JURISDICTION: Bus. & Prof. Code § 4005; CCR, title 16, § 1775; Bus. & Prof. Code § 4160 subd. (d)		
VIOLATION CODE SECTION	OFFENSE	AMT OF FINE
Bus. & Prof. Code § 4169 subd. (a)(1)	Prohibited Acts; Purchase, trade, sell, or transfer dangerous drugs to unlicensed person or entity...	\$405,000.00

CONDUCT:

Purchasing Dangerous Drugs from an Entity Not Licensed by the Board as a Wholesaler – Business & Professions Code section 4169 subdivision (a)(1) prohibits a person from purchasing dangerous drugs from an entity not licensed by this board. Alexander Soliman, the Designated Representative in Charge of Apex Medical Distributor was not compliant. Specifically from between on or about 7/30/2007 to 3/6/08, on 81 separate occasions, Mr. Soliman, 29298 Constellation Rd, Valencia, CA acting as Designated Representative in Charge, directed Apex Medical Distributor to purchase dangerous drugs from Drogueria Caballero Del Caribe, Bayamon, PR, a business not licensed with this board as a non resident wholesaler. In addition, on those same separate 81 occasions, the purchase of those dangerous drugs from Drogueria Caballero Del Caribe was brokered, negotiated for sale, made arrangements for delivery of the drugs and acceptance of payment in some instances, by E-Tail Network, Santa Ana, CA, an unlicensed CA wholesaler.

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6.	10/09/07	31	Sayre
7.	10/12/07	33	Sayre
8.	10/12/07	34	Sayre
9.	10/25/07	41	Sayre
10.	10/15/07	42	Sayre
11.	10/25/07	43	Sayre

12.	10/29/07	44	Sayre
13.	10/30/07	45	Sayre
14.	11/6/07	46	Sayre
15.	11/8/07	47	Sayre
16.	11/8/07	48	Sayre
17.	11/9/07	49	Sayre
18.	11/9/07	50	Sayre
19.	11/12/07	51	Sayre
20.	11/13/07	52	Sayre
21.	11/13/07	53	Sayre
22.	11/15/07	54	Sayre
23.	11/19/07	55	Sayre
24.	11/26/07	56	Sayre
25.	11/27/07	59	Sayre
26.	11/27/08	60	Sayre
27.	11/27/08	61	Sayre
28.	12/04/07	62	Sayre
29.	12/05/07	63	Sayre
30.	12/05/07	64	Sayre
31.	12/11/07	65	Sayre
32.	12/11/07	66	Sayre
33.	12/18/07	68	Sayre
34.	12/18/07	69	Sayre
35.	12/18/07	70	Sayre
36.	12/18/07	71	Sayre
37.	12/18/07	72	Sayre
38.	12/19/07	73	Sayre
39.	12/20/07	74	Sayre
40.	12/24/07	76	Sayre
41.	12/27/07	77	Sayre
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50.	1/8/08	89	Sayre
51.	1/8/08	91	Sayre
52.	1/8/08	90	Sayre
53.	1/11/08	92	Sayre
54.	1/11/08	93	Sayre
55.	1/17/08	94	Sayre
56.	1/17/08	95	Sayre
57.	1/23/08	98	Sayre
58.	1/24/08	99	Sayre

59.	1/29/08	103	Sayre
60.	2/5/08	106	Sayre
61.	2/7/08	107	Sayre
62.	2/11/08	109	Sayre
63.	2/12/08	108	Sayre
64.	2/14/08	110	Sayre
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CITATION ISSUED ON: September 15, 2009

TOTAL AMOUNT OF FINE(S): \$405,000.00

PAYMENT OF FINE(S) DUE BY: October 15, 2009