

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

**In the Matter of the First Amended Accusation  
Against:**

Case No. 5748

OAH No. 2017040108

**FLORIDA AVENUE PRESCRIPTIONS  
ELAINE GEORGE-PARDINI  
CHIEF EXECUTIVE OFFICER, 100%  
SHAREHOLDER, PRESIDENT, DIRECTOR,  
SECRETARY, TREASURER/CFO  
1541 Florida Avenue, Suite P  
Modesto, CA 95350**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
FLORIDA AVENUE PRESCRIPTIONS**

**Original Pharmacy Permit No. PHY 55943,**

**[Previously FLORIDA AVENUE  
PRESCRIPTIONS MARK V. PARDINI  
PRESIDENT AND VICE PRESIDENT  
ELAINE GEORGE-PARDINI,  
SECRETARY, TREASURER/CFO  
1541 Florida Avenue, Suite P  
Modesto, CA 95350**

**Original Pharmacy Permit No. PHY 38942]**

**MARK VICTOR PARDINI  
9890 Gainsborough Ln.,  
Reno, NV 89521**

**Original Pharmacist License No. RPH 37855,**

and

**ELAINE GEORGE-PARDINI  
2021 Lake Wind Court  
Modesto, CA 95355**

**Original Pharmacist License No. RPH 37856**

Respondents.

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Respondent Florida Avenue Prescriptions 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 June 7, 2018.

It is so ORDERED on May 8, 2018.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE M. YOST  
Deputy Attorney General  
4 State Bar No. 119088  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6086  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
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13 **FLORIDA AVENUE PRESCRIPTIONS**  
14 **ELAINE GEORGE-PARDINI**  
15 **CHIEF EXECUTIVE OFFICER, 100%**  
16 **SHAREHOLDER, PRESIDENT,**  
17 **DIRECTOR, SECRETARY,**  
18 **TREASURER/CFO**  
1541 Florida Avenue, Suite P  
Modesto, CA 95350

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER FOR**  
**RESPONDENT FLORIDA AVENUE**  
**PRESCRIPTIONS**

18 **Original Pharmacy Permit No. PHY 55943**

19 [Previously **FLORIDA AVENUE**  
20 **PRESCRIPTIONS MARK V. PARDINI**  
21 **PRESIDENT AND VICE PRESIDENT**  
22 **ELAINE GEORGE-PARDINI,**  
23 **SECRETARY, TREASURER/CFO**  
1541 Florida Avenue, Suite P  
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23 **Original Pharmacy Permit No. PHY 38942]**

24 **MARK VICTOR PARDINI**  
25 9890 Gainsborough Ln.,  
Reno, NV 89521

26 **Original Pharmacist License No. RPH 37855**

27 and  
28

1 **ELAINE GEORGE-PARDINI**  
2021 Lake Wind Court  
2 Modesto, CA 95355

3 **Original Pharmacist License No. RPH 37856**

4 Respondents.

5  
6 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
7 entitled proceedings that the following matters are true:

8 PARTIES

9 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
10 (Board). She brought this action solely in her official capacity and is represented in this matter by  
11 Xavier Becerra, Attorney General of the State of California, by Lorrie M. Yost, Deputy Attorney  
12 General.

13 2. Respondent Florida Avenue Prescriptions (Respondent Florida Ave) is represented in  
14 this proceeding by attorney Peter Gregorovic, Esq., whose address is:

15 Peter Gregorovic, Esq.  
16 Law Office of Tony J. Park, Inc.  
17 CPL - CALIFORNIA PHARMACY LAWYERS  
49 Discovery, Ste. 240  
18 Irvine, CA 92618

19 3. On or about November 16, 1992, the Board issued Original Pharmacy Permit No.  
20 PHY 38942 to Respondent Florida Ave, with Mark V. Pardini as President and Elaine George-  
21 Pardini as Vice President. The Original Pharmacy Permit was in full force and effect at all times  
22 relevant to the charges brought in First Amended Accusation No. 5748, and expired on November  
23 1, 2017. In addition, on or about November 7, 2017, the permit was cancelled due to  
24 Discontinuance of Business, effective November 1, 2017, to permit a transfer of ownership of the  
25 entity to Elaine George-Pardini, as described below.

26 1. On or about November 2, 2017, the Board issued Original Permit Number PHY  
27 55943 to Florida Avenue Prescriptions, Inc., to do business as Florida Avenue Prescriptions Inc.,  
28 with Elaine George-Pardini as its Chief Executive Officer, 100 % Shareholder, President,

1 Director, Secretary and Treasurer/Chief Financial Officer, and Pharmacist in Charge. Said permit  
2 is in full force and effect until February 15, 2018.

3 JURISDICTION

4 4. First Amended Accusation No. 5748 was filed before the Board, and is currently  
5 pending against Respondent Florida Ave. The original Accusation and all other statutorily  
6 required documents were properly served on Respondent Florida Ave. on September 8, 2016.  
7 Respondent Florida Ave. timely filed its Notice of Defense contesting the Accusation. The First  
8 Amended Accusation was served on Respondent Florida Ave. on December 26, 2017.

9 5. A copy of First Amended Accusation No. 5748 is attached as Exhibit A and  
10 incorporated herein by reference.

11 ADVISEMENT AND WAIVERS

12 6. Respondent Florida Ave. has carefully read, fully discussed with counsel, and  
13 understands the charges and allegations in First Amended Accusation No. 5748. Respondent  
14 Florida Ave. has also carefully read, fully discussed with counsel, and understands the effects of  
15 this Stipulated Settlement and Disciplinary Order.

16 7. Respondent Florida Ave. is fully aware of its legal rights in this matter, including the  
17 right to a hearing on the charges and allegations in the First Amended Accusation; the right to  
18 confront and cross-examine the witnesses against it; the right to present evidence and to testify on  
19 their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and  
20 the production of documents; the right to reconsideration and court review of an adverse decision;  
21 and all other rights accorded by the California Administrative Procedure Act and other applicable  
22 laws.

23 8. Respondent Florida Ave. voluntarily, knowingly, and intelligently waives and gives  
24 up each and every right set forth above.

25 CULPABILITY

26 9. Respondent Florida Ave. understands and agrees that the charges and allegations  
27 against it in the First Amended Accusation No. 5748, if proven at a hearing, constitute cause for  
28 imposing discipline upon its Original Pharmacy Permit.

1           10. For the purpose of resolving the First Amended Accusation without the expense and  
2           uncertainty of further proceedings, Respondent Florida Ave. agrees that, at a hearing,  
3           Complainant could establish a factual basis for the charges against it in the First Amended  
4           Accusation, and that Respondent hereby gives up its right to contest those charges. Respondent  
5           Florida Ave. admits and expressly agrees that in any further or future proceedings before the  
6           Board that the charges against it in the First Amended Accusation 5748 shall be deemed true,  
7           admitted and proven.

8           11. Respondent Florida Ave. agrees that its Original Pharmacy Permit is subject to  
9           discipline and it agrees to be bound by the Board's probationary terms as set forth in the  
10          Disciplinary Order below.

11   CONTINGENCY

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

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

25          14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
26          integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
27          It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
28          negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Original Pharmacy Permit No. PHY 55943 issued to  
8 Respondent Florida Avenue Prescriptions; Elaine George-Pardini, Chief Executive Officer, is  
9 revoked. However, the revocation is stayed and Respondent Florida Ave. is placed on probation  
10 for three (3) years on the following terms and conditions.

11 **1. Obey All Laws**

12 Respondent Florida Ave. shall obey all state and federal laws and regulations.

13 Respondent Florida Ave. shall report any of the following occurrences to the Board, in  
14 writing, within seventy-two (72) hours of such occurrence:

- 15 • an arrest or issuance of a criminal complaint for violation of any provision of the  
16 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
17 substances laws
- 18 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
19 criminal complaint, information or indictment
- 20 • a conviction of any crime
- 21 • discipline, citation, or other administrative action filed by any state or federal agency  
22 which involves Respondent Florida Ave.'s pharmacy permit or which is related to the  
23 practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing,  
24 or charging for any drug, device or controlled substance.

25 Failure to timely report such occurrence shall be considered a violation of probation.

26 **2. Report to the Board**

27 Respondent Florida Ave. shall report to the Board quarterly, on a schedule as directed by  
28 the Board or its designee. The report shall be made either in person or in writing, as directed.

1 Among other requirements, Respondent Florida Ave. shall state in each report under penalty of  
2 perjury whether there has been compliance with all the terms and conditions of probation. Failure  
3 to submit timely reports in a form as directed shall be considered a violation of probation. Any  
4 period(s) of delinquency in submission of reports as directed may be added to the total period of  
5 probation. Moreover, if the final probation report is not made as directed, probation shall be  
6 automatically extended until such time as the final report is made and accepted by the Board.

7 **3. Interview with the Board**

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

14 **4. Cooperate with Board Staff**

15 Respondent Florida Ave. shall cooperate with the Board's inspection program and with the  
16 Board's monitoring and investigation of Respondent's compliance with the terms and conditions  
17 of their probation. Failure to cooperate shall be considered a violation of probation.

18 **5. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent Florida Ave.  
20 shall pay to the Board its costs of investigation and prosecution in the amount of \$4,500.00.  
21 Respondent Florida Ave. shall be liable for the payment of said costs jointly and severally with  
22 Respondent Elaine George-Pardini. Respondent Florida Ave. shall make said payments pursuant  
23 to a payment plan approved by the Board. There shall be no deviation from this schedule absent  
24 prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as  
25 directed shall be considered a violation of probation.

26 The filing of bankruptcy by Respondent Florida Ave. shall not relieve Respondent of its  
27 responsibility to reimburse the Board its costs of investigation and prosecution.

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1           **6. Probation Monitoring Costs**

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

6           **7. Status of License**

7           Respondent Florida Ave. shall, at all times while on probation, maintain current licensure  
8 with the Board. If Respondent Florida Ave. submits an application to the Board, and the  
9 application is approved, for a change of location, change of permit or change of ownership, the  
10 Board shall retain continuing jurisdiction over the license, and Respondent Florida Ave. shall  
11 remain on probation as determined by the Board. Failure to maintain current licensure shall be  
12 considered a violation of probation.

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

17           **8. License Surrender While on Probation/Suspension**

18           Following the effective date of this decision, should Respondent Florida Ave. discontinue  
19 business, Respondent may tender the premises license to the Board for surrender. The Board or  
20 its designee shall have the discretion whether to grant the request for surrender or take any other  
21 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
22 license, Respondent Florida Ave. will no longer be subject to the terms and conditions of  
23 probation.

24           Upon acceptance of the surrender, Respondent Florida Ave. shall relinquish the premises  
25 wall and renewal license to the Board within ten (10) days of notification by the Board that the  
26 surrender is accepted. Respondent Florida Ave. shall further submit a completed Discontinuance  
27 of Business form according to Board guidelines and shall notify the Board of the records  
28 inventory transfer.

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

11 Respondent Florida Ave. may not apply for any new licensure from the Board for three (3)  
12 years from the effective date of the surrender. Respondent Florida Ave. shall meet all  
13 requirements applicable to the license sought as of the date the application for that license is  
14 submitted to the Board.

15 Respondent Florida Ave. further stipulates that it shall reimburse the Board for its costs of  
16 investigation and prosecution prior to the acceptance of the surrender.

17 **9. Notice to Employees**

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

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

4 **10. Owners and Officers: Knowledge of the Law**

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

11 **11. Posted Notice of Probation**

12 Respondent Florida Ave. shall prominently post a probation notice provided by the Board  
13 in a place conspicuous and readable to the public. The probation notice shall remain posted  
14 during the entire period of probation.

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

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

20 **12. Violation of Probation**

21 If Respondent Florida Ave. has not complied with any term or condition of probation, the  
22 Board shall have continuing jurisdiction over Respondent's license, and probation shall be  
23 automatically extended until all terms and conditions have been satisfied or the Board has taken  
24 other action as deemed appropriate to treat the failure to comply as a violation of probation, to  
25 terminate probation, and to impose the penalty that was stayed.

26 If Respondent Florida Ave. violates probation in any respect, the Board, after giving  
27 Respondent notice and an opportunity to be heard, may revoke probation and carry out the  
28 disciplinary order that was stayed. Notice and opportunity to be heard are not required for those

1 provisions stating that a violation thereof may lead to automatic termination of the stay and/or  
2 revocation of the license. If a petition to revoke probation or an accusation is filed against  
3 Respondent Florida Ave. during probation, the Board shall have continuing jurisdiction and the  
4 period of probation shall be automatically extended until the petition to revoke probation or  
5 accusation is heard and decided.

6 **13. Completion of Probation**

7 Upon written notice by the Board or its designee indicating successful completion of  
8 probation, Respondent Florida Ave's license will be fully restored.

9 **14. Community Services Program**

10 Within sixty (60) days of the effective date of this decision, Respondent Florida Ave. shall  
11 submit to the Board or its designee, for prior approval, a community service program related to  
12 prescription drug abuse prevention in which Respondent shall provide free health-care related  
13 services to a community or charitable facility or agency for at least 60 hours over the total course  
14 of probation.

15 Within thirty (30) days of Board approval thereof, Respondent Florida Ave. shall submit  
16 documentation to the Board demonstrating commencement of the community service program.  
17 Respondent Florida Ave. shall report on progress with the community service program in the  
18 quarterly reports.

19 Failure to timely submit, commence, or comply with the program shall be considered a  
20 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, Peter Gregorovic, Esq. I understand the stipulation and the effect it will have on my Original 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 of Pharmacy.

DATED: 2-1-18 Elaine C. George-Pardini  
FLORIDA AVENUE PRESCRIPTIONS; ELAINE  
GEORGE-PARDINI, CHIEF EXECUTIVE OFFICER  
*Respondent*

I have read and fully discussed with Respondent Florida Avenue Prescriptions, Elaine George-Pardini, Chief Executive Officer, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 2/2/18 Peter Gregorovic  
PETER GREGOROVIC, ESQ.  
*Attorney for Respondent Florida Ave.*

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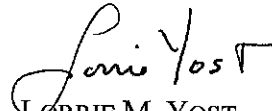
ENDORSEMENT

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

Dated: 2-12-18

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General



LORRIE M. YOST  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 5748**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE M. YOST  
Deputy Attorney General  
4 State Bar No. 119088  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-2271  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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**FIRST AMENDED ACCUSATION**

18 **Original Pharmacy Permit No. PHY 55943**

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20 **PRESCRIPTIONS MARK V. PARDINI**  
21 **PRESIDENT AND VICE PRESIDENT**  
22 **ELAINE GEORGE-PARDINI,**  
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24 **MARK VICTOR PARDINI**  
25 9890 Gainsborough Ln.,  
Reno, NV 89521

26 **Original Pharmacist License No. RPH 37855**

27 and  
28



1 **ELAINE GEORGE-PARDINI**  
2 2021 Lake Wind Court  
3 Modesto, CA 95355

4 **Original Pharmacist License No. RPH 37856**

5 Respondents.

6 Virginia Herold ("Complainant") alleges:

7 **PARTIES**

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

10 **Pharmacy Permit**

11 2. On or about November 16, 1992, the Board issued Original Pharmacy Permit Number  
12 PHY 38942 to Florida Avenue Prescriptions ("Respondent Florida Ave"), with Mark V. Pardini  
13 as its President, Vice President, and Pharmacist in Charge; and, Elaine George-Pardini as its  
14 Secretary and Treasurer/Chief Financial Officer. On or about September 1, 2008, Elaine George-  
15 Pardini, RPH 37867, became the Pharmacist-in-Charge for Respondent Florida Avenue  
16 Prescriptions. The Original Pharmacy Permit was in full force and effect at all times relevant to  
17 the charges brought herein and expired on November 1, 2017. In addition, on or about November  
18 7, 2017, the permit was cancelled due to Discontinuance of Business, effective November 1,  
19 2017, to permit a transfer of ownership of the entity to Elaine George-Pardini, as described  
20 below.

21 3. On or about November 2, 2017, the Board issued Original Permit Number PHY  
22 55943 to Florida Avenue Prescriptions, Inc. ("Respondent Florida Ave"), to do business as  
23 Florida Avenue Prescriptions Inc., with Elaine George-Pardini as its Chief Executive Officer,  
24 100 % Shareholder, President, Director, Secretary and Treasurer/Chief Financial Officer, and  
25 Pharmacist in Charge. Said permit is in full force and effect until February 15, 2018.

26 **Pharmacist License – Mark Victor Pardini**

27 4. On or about August 30, 1983, the Board issued Original Pharmacist License Number  
28 RPH 37855 to Mark Victor Pardini (Respondent Pardini). The Original Pharmacist License was \

1 in full force and effect at all times relevant to the charges brought herein and will expire on  
2 August 31, 2019, unless renewed.

3 **Pharmacist License - Elaine George-Pardini**

4 5. On or about August 30, 1983, the Board issued Original Pharmacist License Number  
5 RPH 37856 to Elaine George-Pardini (Respondent George-Pardini). The Original Pharmacist  
6 License was in full force and effect at all times relevant to the charges brought herein and will  
7 expire on July 31, 2019, unless renewed.

8 **JURISDICTION**

9 6. This Accusation is brought before the Board under the authority of the following  
10 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
11 indicated.

12 7. Code section 4083 states, in pertinent part:

13 (a) An inspector may issue an order of correction to a licensee directing the  
14 licensee to comply with this chapter or regulations adopted pursuant to this chapter.

15 (f) Nothing in this section shall in any way limit the board's authority or ability  
to do any of the following:

16 (3) Institute disciplinary proceedings pursuant to Article 19 (commencing with  
17 Section 4300).

18 8. Code section 4300 states, in pertinent part:

19 (a) Every license issued may be suspended or revoked.

20 (b) The board shall discipline the holder of any license issued by the board,  
21 whose default has been entered or whose case has been heard by the board and found  
guilty, by any of the following methods:

22 (1) Suspending judgment.

23 (2) Placing him or her upon probation.

24 (3) Suspending his or her right to practice for a period not exceeding one year.

25 (4) Revoking his or her license.

26 (5) Taking any other action in relation to disciplining him or her as the board in  
27 its discretion may deem proper.

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1 9. Code section 4300.1 states:

2 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
3 by operation of law or by order or decision of the board or a court of law, the  
4 placement of a license on a retired status, or the voluntary surrender of a license by a  
5 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
6 investigation of, or action or disciplinary proceeding against, the licensee or to render  
7 a decision suspending or revoking the license.

8 **STATUTORY AND REGULATORY PROVISIONS**

9 10. Code section 4301 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 is  
14 not limited to, any of the following:

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

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

22 11. Health and Safety Code section 11165(d) states, in pertinent part:

23 For each prescription for a Schedule II, Schedule III, or Schedule IV controlled  
24 substance, as defined in the controlled substances schedules in federal law and  
25 regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of  
26 Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other  
27 dispenser shall report the following information to the Department of Justice as soon  
28 as reasonably possible, but not more than seven days after the date a controlled  
substance is dispensed, in a format specified by the Department of Justice. . . .

12. Code section 4113(c) states, "The pharmacist-in-charge shall be responsible for a  
pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of  
pharmacy."

13. California Code of Regulations ("Regulations), title 16, section 1707.2 states, in  
pertinent part:

(a) A pharmacist shall provide oral consultation to his or her patient or the  
patient's agent in all care settings:

(1) upon request; or

(2) whenever the pharmacist deems it warranted in the exercise of his or her  
professional judgment.

1 (b)(1) In addition to the obligation to consult set forth in subsection (a), a  
2 pharmacist shall provide oral consultation to his or her patient or the patient's agent in  
any care setting in which the patient or agent is present:

3 (A) whenever the prescription drug has not previously been dispensed to a  
4 patient; or

5 (B) whenever a prescription drug not previously dispensed to a patient in the same dosage  
6 form, strength or with the same written directions, is dispensed by the pharmacy.

7 14. Code section 4115 states, in pertinent part:

8 (a) A pharmacy technician may perform packaging, manipulative, repetitive, or  
9 other nondiscretionary tasks only while assisting, and while under the direct  
supervision and control of, a pharmacist. The pharmacist shall be responsible for the  
10 duties performed under his or her supervision by a technician.

11 (h) The pharmacist on duty shall be directly responsible for the conduct of a  
pharmacy technician supervised by that pharmacist.

12 15. Regulations section 1793.7 states, in pertinent part:

13 (b) Pharmacy technicians must work under the direct supervision of a  
14 pharmacist and in such a relationship that the supervising pharmacist is fully aware of  
all activities involved in the preparation and dispensing of medications, including the  
15 maintenance of appropriate records.

16 (c) A pharmacy technician must wear identification clearly identifying him or  
her as a pharmacy technician.

17 (e) A pharmacist shall be responsible for all activities of pharmacy technicians  
18 to ensure that all such activities are performed completely, safely and without risk of  
harm to patients.

19 16. Code section 4307 states, in pertinent part:

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

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

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

3 (b) "Manager, administrator, owner, member, officer, director, associate, or  
4 partner," as used in this section and Section 4308, may refer to a pharmacist or to any  
5 other person who serves in that capacity in or for a licensee.

### 6 COST RECOVERY

7 17. Code section 125.3 provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licentiate found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
12 included in a stipulated settlement.

### 13 INSPECTION – SEPTEMBER 2, 2015

14 18. On or about August 31, 2015, a Board inspector (the "inspector") requested a  
15 Controlled Substance Utilization Review and Evaluation System (CURES) report<sup>1</sup> for Florida  
16 Avenue Prescriptions, which is located in Modesto, California. A CURES report could not be  
17 produced; it appeared Florida Avenue Prescriptions had not reported any controlled substances.

18 19. On or about September 2, 2015, the inspector entered the premises of Respondent  
19 Florida Ave to conduct an inspection. He observed a female customer at the counter ("J.C.'s  
20 agent") pick up a prescription for her husband, J.C. J.C.'s agent asked the individual serving her  
21 if the medication should be taken with food. That individual was not wearing identification, but  
22 was later identified to be "S.M.", a pharmacy technician employed by Respondent Florida Ave.  
23 S.M. told J.C.'s agent that the medication should be taken with food but did not offer to have a  
24 pharmacist consult with her. The scripts for J.C., Norco 10/325 (hydrocodone/acetaminophen 10-  
25 325 mg.), a controlled substance, and Phenergan (promethazine, 25 mg.), were new.

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27 <sup>1</sup> Operative January 1, 2005, and effective October 4, 2005, Health and Safety Code  
28 section 11165(d) required pharmacies to report prescriptions for Schedule II or III controlled  
substances for the Department of Justice on a weekly basis. Effective January 1, 2007, 11165(d)  
was amended to require reporting of Schedule IV controlled substances as well.

1 20. The investigator was eventually introduced to Respondent George-Pardini as the  
2 pharmacist on duty. In the course of the investigation, the investigator told Respondent George-  
3 Pardini that that he could not find any CURES report submitted by Florida Ave. Respondent  
4 George-Pardini told the investigator that she believed such reports were optional.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Violation of Regulation Governing Pharmacy - Identification)

7 21. Respondent Florida Ave is subject to discipline pursuant to Code section 4301(o), on  
8 the grounds of unprofessional conduct, in that on or about September 2, 2015, it failed to ensure  
9 that S.M. was wearing identification that clearly identified her as a pharmacy technician, a  
10 violation of Regulation section 1793.7(c), which is applicable to governing pharmacy.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Violations of Regulations Governing Pharmacy – Oral Consultation)

13 22. Respondents Florida Ave and George-Pardini, as pharmacist-in-charge, are subject to  
14 discipline pursuant to Code section 4301(o) on the grounds of unprofessional conduct, in that on  
15 or about September 2, 2015, Respondents Florida Ave and George-Pardini violated regulations  
16 applicable to governing pharmacy by:

17 a. Failing to provide an oral consultation to J.C.'s agent upon request, a violation of  
18 Regulation section 1707.2(a)(1).

19 b. Failing to provide an oral consultation to J.C.'s agent when the prescription for J.C.  
20 had not previously been dispensed or had not been dispensed in the same dosage form, strength,  
21 and/or with the same written directions, a violation of Regulation section 1707.2(b)(1).

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Violation of State Laws and Regulations Governing Pharmacy - Supervision)

24 23. Respondent George-Pardini is subject to discipline pursuant to Code section 4301(o)  
25 on the grounds of unprofessional conduct, in that on or about September 2, 2015, she failed to  
26 supervise S.M., a pharmacy technician, as set forth in paragraph 19 above, a violation of Code  
27 section 4115(a) and (h); and, Regulation section 1793.7(b) and (e), state laws and regulations  
28 applicable to governing pharmacy.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violation of State Laws Governing Pharmacy - Reporting)

3 24. Respondent Florida Ave, Respondent George-Pardini, and Respondent Pardini are  
4 subject to discipline pursuant to Code section 4301(o), on the grounds of unprofessional conduct,  
5 in that they violated state laws applicable to governing pharmacy, as follows:

6 a. Between on or about September 1, 2008, and September 2, 2015, Respondents  
7 Florida Ave and George-Pardini, as pharmacist-in-charge, failed to report prescriptions for  
8 Schedule II through IV controlled substances to the Department of Justice, in violation of Health  
9 and Safety Code section 11165(d).

10 b. Between on or about October 4, 2005, and August 30, 2008, Respondents Florida  
11 Ave and Pardini, as pharmacist-in-charge, failed to report prescriptions for Schedule II, III, and/or  
12 IV controlled substances to the Department of Justice, in violation of Health and Safety Code  
13 section 11165(d).

14 **OTHER MATTERS**

15 25. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.  
16 PHY 55943, issued to Florida Avenue Prescriptions, Florida Avenue Prescriptions shall be  
17 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
18 or partner of a licensee for five years if Pharmacy Permit Number PHY 55943, is placed on  
19 probation or until Pharmacy Permit Number PHY 55943 is reinstated if it is revoked.

20 26. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.  
21 PHY 55943, issued to Florida Avenue Prescriptions, for conduct which occurred while Mark  
22 Victor Pardini and/or Elaine George-Pardini was an officer, and had knowledge of or knowingly  
23 participated in any conduct for which the permit was disciplined, Mark Victor Pardini and/or  
24 Elaine George-Pardini shall be prohibited from serving as a manager, administrator, owner,  
25 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)  
26 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit  
27 Number PHY 55943 is reinstated, if revoked.

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**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. Revoking or suspending Pharmacy Permit Number PHY 55943, issued to Florida Avenue Prescriptions;

2. Revoking or suspending Pharmacist License Number RPH 37855, issued to Mark Victor Pardini;

3. Prohibiting Mark Victor Pardini from serving as a manager, administrator, owner, member, officer, director, associate, or partner of any licensed or permitted entity for five (5) years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit Number PHY 55943 is reinstated, if revoked;

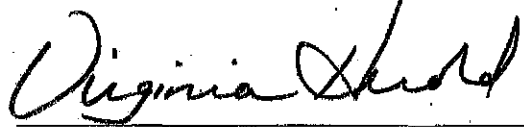
4. Revoking or suspending Pharmacist License Number RPH 37856, issued to Elaine George-Pardini;

5. Prohibiting Elaine George-Pardini from serving as a manager, administrator, owner, member, officer, director, associate, or partner of any licensed or permitted entity for five (5) years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit Number PHY 55943 is reinstated, if revoked;

6. Ordering Florida Avenue Prescriptions, Mark Victor Pardini, and/or Elaine George Pardini to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 12/13/17

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

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