

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

In the Matter of the Accusation Against:

**WATERFRONT PHARMACY
JOSEPH M. HUANTE AND THELMA
RAMSEYER, OWNERS**
123 S. Commerce St., #A
Stockton, CA 95202

Permit No. PHY 36858

and

JOSEPH MANUEL HUATE
123 S. Commerce St., #A
Stockton, CA 95202

Pharmacist License No. RPH 36843

Respondents.

Case No. 5905

OAH No. 2018010449

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

**(RESPONDENT WATERFRONT
PHARMACY)**

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 September 20, 2018.

It is so ORDERED on August 21, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Victor Law, R.Ph.
Board President

1 XAVIER BECERRA
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5905

13 **WATERFRONT PHARMACY**
14 **JOSEPH M. HUANTE AND THELMA**
15 **RAMSEYER, OWNERS**
123 S. Commerce St., #A
16 Stockton, CA 95202

OAH No. 2018010449

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

**(RESPONDENT WATERFRONT
PHARMACY)**

17 Permit No. PHY 36858,

18 and

19 **JOSEPH MANUEL HUANTE**
123 S. Commerce Street, Suite A
20 Stockton, CA 95202

21 Pharmacist License No. RPH 36843

22 Respondents.

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

25 PARTIES

26 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
27 (Board). She brought this action solely in her official capacity and is represented in this matter by
28 Xavier Becerra, Attorney General of the State of California, by Karen R. Denvir, Deputy
Attorney General.

1 2. Waterfront Pharmacy (Respondent) is represented in this proceeding by attorney
2 Gregory P. Matzen, whose address is 2104 Big Sandy Court, Gold River, CA 95670-8399.

3 3. On or about November 13, 1990, the Board issued Permit No. PHY 36858 to Joseph
4 M. Huante and Thelma Ramseyer to do business as Waterfront Pharmacy (Respondent). The
5 Permit was in full force and effect at all times relevant to the charges brought in Accusation No.
6 5905 and will expire on November 01, 2018, unless renewed.

7 JURISDICTION

8 4. Accusation No. 5905 was filed before the (Board), and is currently pending against
9 Respondent. The Accusation and all other statutorily required documents were properly served
10 on Respondent on July 31, 2017. Respondent timely filed its Notice of Defense contesting the
11 Accusation. A copy of Accusation No. 5905 is attached as Exhibit A and incorporated by
12 reference.

13 ADVISEMENT AND WAIVERS

14 5. Respondent has carefully read, fully discussed with counsel, and understands the
15 charges and allegations in Accusation No. 5905. Respondent also has carefully read, fully
16 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
17 Order.

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

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

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27 ///

28 ///

1 CULPABILITY

2 8. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 5905, agrees that cause exists for discipline and hereby surrenders their Permit No. PHY
4 36858 for the Board's formal acceptance.

5 9. Respondent understands that by signing this stipulation Respondent enables the Board
6 to issue an order accepting the surrender of their Permit without further process.

7 CONTINGENCY

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

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

20 12. This Stipulated Surrender of License and Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
24 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
25 executed by an authorized representative of each of the parties.

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

28 ///

ORDER

1
2 IT IS HEREBY ORDERED that Permit No. PHY 36858, issued to Joseph M. Huante and
3 Thelma Ramseyer to do business as Respondent Waterfront Pharmacy, is surrendered and
4 accepted by the Board of Pharmacy.

5 1. Respondent surrenders Permit Number PHY 36858 as of the effective date of this
6 decision. Respondent shall relinquish the premises wall license and renewal license to the board
7 within ten (10) days of the effective date of this decision.

8 2. The surrender of respondent's license and the acceptance of the surrendered license by
9 the board shall constitute the imposition of discipline against respondent. This decision
10 constitutes a record of discipline and shall become a part of respondent's license history with the
11 board.

12 3. Respondent shall, within ten (10) days of the effective date, arrange for the
13 destruction of, the transfer to, sale of or storage in a facility licensed and approved by the board of
14 all controlled substances and dangerous drugs and/or dangerous devices. Respondent shall
15 further arrange for the transfer of all records of acquisition and disposition of dangerous drugs to
16 premises licensed and approved by the board. Respondent shall further provide written proof of
17 such disposition and submit a completed Discontinuance of Business form according to board
18 guidelines.

19 4. Respondent may only seek a new or reinstated license from the board by way of a
20 new application for licensure. Respondent shall not be eligible to petition for reinstatement of
21 licensure.

22 5. Respondent may not reapply for any license from the board for three (3) years from
23 the effective date of this decision. Respondent stipulates that should they apply for any license
24 from the board on or after the effective date of this decision, all allegations set forth in the
25 accusation shall be deemed to be true, correct and admitted by respondent when the board
26 determines whether to grant or deny the application. Respondent shall satisfy all requirements
27 applicable to that license as of the date the application is submitted to the board. Respondent is
28 required to report this surrender as disciplinary action.

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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Gregory P. Matzen. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy. I am authorized to sign this stipulation on behalf of Waterfront Pharmacy.

DATED: 4/5/2018

Joseph Manuel Huante
WATERFRONT PHARMACY
JOSEPH M. HUANTE, PARTNER
Respondent

I have read and fully discussed with Respondent Waterfront Pharmacy, Joseph M. Huante, the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 4/5/18

GREGORY P. MATZEN
Attorney for Respondent


ENDORSEMENT

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

Dated: 4/5/10

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


KAREN R. DENVER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 5905

1 XAVIER BECERRA
Attorney General of California
2 JANICE K. LACHMAN
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3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
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10 **STATE OF CALIFORNIA**

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RAMSEYER, OWNERS
14 **123 S. Commerce St., #A**
Stockton, CA 95202

ACCUSATION

15 **Permit No. PHY 36858,**

16 **and**

17 **JOSEPH MANUEL HUANTE**
18 **123 S. Commerce Street, Suite A**
Stockton, CA 95202

19 **Pharmacist License No. RPH 36843**

20 Respondents.

21
22 Complainant alleges:

23 **PARTIES**

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

26 2. On or about November 13, 1990, the Board of Pharmacy issued Permit Number PHY
27 36858 to Waterfront Pharmacy with Joseph M. Huante designated as the Pharmacist-in-Charge,
28 Thelma Ramseyer as a fifty percent Partner and Joseph M. Huante as a fifty percent Partner

1 (hereinafter "Respondent Waterfront Pharmacy"). The Permit was in full force and effect at all
2 times relevant to the charges brought herein and will expire on November 1, 2017, unless
3 renewed.

4 3. On or about January 27, 1982, the Board of Pharmacy issued Pharmacist License
5 Number RPH 36843 to Joseph Manuel Huante (hereinafter "Respondent Huante"). The
6 Pharmacist License was in full force and effect at all times relevant to the charges brought herein
7 and will expire on January 31, 2018, unless renewed.

8 JURISDICTION

9 4. This Accusation is brought before the Board of Pharmacy (Board), Department of
10 Consumer Affairs, under the authority of the following laws. All section references are to the
11 Business and Professions Code unless otherwise indicated.

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

15 6. Section 4300, subdivision (a), of the Code provides that every license issued by the
16 Board may be suspended or revoked.

17 7. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
18 suspension of a Board-issued license, the placement of a license on a retired status, or the
19 voluntary surrender of a license by a licensee shall not deprive the Board of jurisdiction to
20 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
21 licensee or to render a decision suspending or revoking the license.

22 STATUTORY AND REGULATORY PROVISIONS

23 8. Section 4059 of the Code, in pertinent part, prohibits furnishing of any dangerous
24 drug or dangerous device except upon the prescription of an authorized prescriber.

25 9. Section 4081 of the Code states, in pertinent part:

26 (a) All records of manufacture and of sale, acquisition, receipt, shipment or disposition of
27 dangerous drugs or dangerous devices shall be at all times during business hours open to
28 inspection by authorized officers of the law, and shall be preserved for at least three years from

1 the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-
2 party logistics provider, pharmacy, veterinary food-animal drug retailer, physician, dentist,
3 podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a
4 currently valid and unrevoked certificate, license, permit, registration, or exemption under
5 Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4
6 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who
7 maintains a stock of dangerous drugs or dangerous devices.

8 (b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics
9 provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-
10 in-charge, responsible manager, or designated representative-in-charge, for maintaining the
11 records and inventory described in this section.

12 ...

13 10. Section 4105 of the Code requires, in pertinent part, that unless a waiver is granted by
14 the Board, all records and other documentation of the acquisition and disposition of dangerous
15 drugs and devices by any entity licensed by the Board be retained on the licensed premises, in a
16 readily retrievable form, for three years from the date of making.

17 11. Section 4113, subdivision (c), of the Code states:

18 The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state
19 and federal laws and regulations pertaining to the practice of pharmacy.

20 12. Section 4301 of the Code states, in pertinent part:

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

24 ...

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

27 ...

28

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

5 ...

6 13. Section 4307(a) of the Code states that:

7 Any person who has been denied a license or whose license has been revoked or is under
8 suspension, or who has failed to renew his or her license while it was under suspension, or who
9 has been a manager, administrator, owner, member, officer, director, associate, or partner of any
10 partnership, corporation, firm, or association whose application for a license has been denied or
11 revoked, is under suspension or has been placed on probation, and while acting as the manager,
12 administrator, owner, member, officer, director, associate, or partner had knowledge of or
13 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
14 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of a licensee as follows:

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

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

20 ...

21 14. Section 4126.5 of the Code states:

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

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

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

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

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28 ///

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

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

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

8 (7) To another pharmacy under common control.

9 (b) Notwithstanding any other provision of law, a violation of this section may subject the
10 person or persons who committed the violation to a fine not to exceed the amount specified
11 in Section 125.9 for each occurrence pursuant to a citation issued by the board.

12 (c) Amounts due from any person under this section on or after January 1, 2005, shall be
13 offset as provided under Section 12419.5 of the Government Code. Amounts received by the
14 board under this section shall be deposited into the Pharmacy Board Contingent Fund.

15 (d) For purposes of this section, "common control" means the power to direct or cause the
16 direction of the management and policies of another person whether by ownership, by voting
17 rights, by contract, or by other means.

18 15. Section 4306.5 of the Code states:

19 Unprofessional conduct for a pharmacist may include any of the following:

20 (a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or
21 her education, training, or experience as a pharmacist, whether or not the act or omission arises in
22 the course of the practice of pharmacy or the ownership, management, administration, or
23 operation of a pharmacy or other entity licensed by the board.

24 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement
25 his or her best professional judgment or corresponding responsibility with regard to the
26 dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with
27 regard to the provision of services.

28 (c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate

1 patient, prescription, and other records pertaining to the performance of any pharmacy function.

2 (d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and
3 retain appropriate patient-specific information pertaining to the performance of any pharmacy
4 function.

5 16. Section 4332 of the Code states:

6 Any person who fails, neglects, or refuses to maintain the records required by Section 4081
7 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or
8 refuses to produce or provide the records within a reasonable time, or who willfully produces or
9 furnishes records that are false, is guilty of a misdemeanor.

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

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

15 ...

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

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

21 "Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions
22 Code shall be considered to include complete accountability for all dangerous drugs handled by
23 every licensee enumerated in Sections 4081 and 4332. The controlled substances inventories
24 required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least
25 3 years after the date of the inventory.

26 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

27 19. Section 4021 of the Code provides that a "controlled substance" means any substance
28 listed in Schedules I through V contained in Health and Safety Code section 11053 *et seq.*

1 20. Section 4022 of the Code states:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in
3 humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
5 prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts this device to sale by
7 or on the order of a _____," "Rx only," or words of similar import, the blank to be filled in
8 with the designation of the practitioner licensed to use or order use of the device.

9 (c) Any other drug or device that by federal or state law can be lawfully dispensed only on
10 prescription or furnished pursuant to Section 4006.

11 21. Promethazine with Codeine Syrup (PCS) is a controlled substance pursuant to Health
12 and Safety Code section 11058 and a dangerous drug pursuant to Business and Professions Code
13 section 4022.

14 22. Norco, or Hydrocodone with Acetaminophen, is a Schedule III controlled substance
15 pursuant to Health and Safety Code section 11056(e)(4) and a dangerous drug pursuant to
16 Business and Professions Code section 4022. However, under federal law, effective 10/6/2014,
17 Norco was rescheduled as a Schedule II controlled substance, pursuant to 21 CFR
18 1308.12(b)(1)(iv).

19 COST RECOVERY

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

24 FACTUAL SUMMARY

25 Illegal Furnishing of Dangerous Drugs to Another Pharmacy

26 24. Between approximately August 27, 2012 and February 4, 2015, Respondents
27 furnished approximately 286,000 tablets of hydrocodone/acetaminophen 10/325 mg and 2,012
28 pints of promethazine with codeine syrup to Getwell Pharmacy and Medical Supply located in

1 San Leandro, California. The two dangerous drugs furnished by Respondents to Getwell
2 Pharmacy and Medical Supply were not in shortage during this time period.

3 25. On December 1, 2014, a Board of Pharmacy inspector informed Waterfront
4 Pharmacy owner and Pharmacist-in-Charge Huante that furnishing hydrocodone/acetaminophen
5 and promethazine with codeine syrup to another pharmacy was not permitted by law because
6 there were no shortages of either drug. Invoices dated January 27, 2015, February 3, 2015 and
7 February 4, 2015 indicate that Respondents provided a total of 156 pints of promethazine with
8 codeine to Getwell Pharmacy and Medical Supply, even after being specifically advised against
9 this activity by the Board inspector.

10 26. An audit conducted by Board of Pharmacy inspectors for the audit period from
11 November 27, 2012 through December 1, 2014, revealed that Waterfront Pharmacy did not
12 account for approximately 160,058 tablets of hydrocodone/acetaminophen 10/325 mg. and
13 approximately 1,421 pints of promethazine with codeine syrup.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Illegally Furnishing Dangerous Drugs to Another Pharmacy)**

16 27. Respondents are each and severally subject to disciplinary action under Code sections
17 4126.5(a)(4) and 4301, subsections (j) and (o), in that they furnished dangerous drugs to Getwell
18 Pharmacy and Medical Supply during a time period where there was no shortage of the dangerous
19 drugs, in violation of pharmacy law, as set forth above in paragraphs 24-25.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Failure to Exercise Due Caution)**

22 28. Respondents are each and severally subject to disciplinary action under Code sections
23 4306.5(b), and 4301, subsections (j) and (o), in that Respondents failed to exercise professional
24 judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled
25 substances and dangerous drugs, as set forth above in paragraphs 24-25.

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1 THIRD CAUSE FOR DISCIPLINE

2 **(Failure to Maintain Current Inventory)**

3 29. Respondents are each and severally subject to disciplinary action under Code sections
4 4113(c), 4301, subsections (j) and (o), and, by reference to sections 4081, 4105 and/or 4332 of the
5 Code, and/or California Code of Regulations, title 16, section 1718, for violating statutes
6 regulating controlled substances or dangerous drugs, and/or indirectly violating, attempting to
7 violate, or assisting in or abetting a violation of laws or regulations governing the practice of
8 pharmacy, in that, as set forth above in paragraphs 24-26, Respondents failed to maintain an
9 accurate, complete and readily retrievable inventory and/or records of acquisition and disposition
10 of all dangerous drugs in the pharmacy inventory.

11 FOURTH CAUSE FOR DISCIPLINE

12 **(Failure to Maintain Facilities)**

13 30. Respondents are each and severally subject to disciplinary action under Code sections
14 4113(c), 4301 subdivisions (j) and (o), and under California Code of Regulations, title 16, section
15 1714, subdivisions (b) and (d), in that they failed to maintain the pharmacy facilities so that drugs
16 are safely and properly prepared, maintained, secured, and distributed, as set forth above in
17 paragraphs 24-26.

18 FIFTH CAUSE FOR DISCIPLINE

19 **(Unprofessional Conduct)**

20 31. Respondents are each and severally subject to disciplinary action under code section
21 4301 in that Respondents, as set forth above in paragraphs 24-26, engaged in unprofessional
22 conduct.

23 **OTHER MATTERS**

24 32. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
25 PHY 36858 issued to Waterfront Pharmacy, Waterfront Pharmacy shall be prohibited from
26 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
27 licensee for five years if Pharmacy Permit Number PHY 36858 is placed on probation or until
28 Pharmacy Permit Number PHY 36858 is reinstated if it is revoked.

1 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
2 PHY 36858 issued to Waterfront Pharmacy while Thelma Ramseyer and/or Joseph M. Huante
3 have been a partner and owner and had knowledge of or knowingly participated in any conduct
4 for which the licensee was disciplined, Thelma Ramseyer and Joseph M. Huante 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 Pharmacy Permit Number PHY 36858 is placed on
7 probation or until Pharmacy Permit Number PHY 36858 is reinstated if it is revoked.

8 **PRAYER**

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

11 1. Revoking or suspending Permit Number PHY 36858, issued to Waterfront Pharmacy,
12 Joseph M. Huante and Thelma Ramseyer, Owners;

13 2. Revoking or suspending Original Pharmacist License Number RPH 36843, issued to
14 Joseph Manuel Huante;

15 3. Prohibiting Waterfront Pharmacy from serving as a manager, administrator, owner,
16 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
17 Number PHY 36858 is placed on probation or until Pharmacy Permit Number PHY 36858 is
18 reinstated if it is revoked;

19 4. Prohibiting Thelma Ramseyer from serving as a manager, administrator, owner,
20 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
21 Number PHY 36858 is placed on probation or until Pharmacy Permit Number PHY 36858 is
22 reinstated if it is revoked;

23 5. Prohibiting Joseph M. Huante from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
25 Number PHY 36858 is placed on probation or until Pharmacy Permit Number PHY 36858 is
26 reinstated if it is revoked;

27 ///

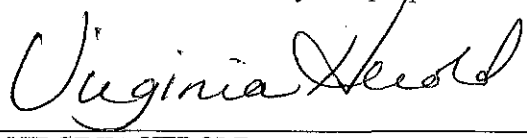
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6. Ordering Waterfront Pharmacy and Joseph M. Huante to jointly and severally be responsible to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 7/19/17



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

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