

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

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

**ROYAL CARE PHARMACY, PHY 44271**

**and**

**DIMITRY GOTLINSKY, RPH 60239**

**Respondents**

**Case number 6238**

**OAH No. 2020050406**

**DECISION AND ORDER**

The attached Stipulated Surrender of License 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 February 4, 2021.

It is so ORDERED on January 5, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe".

By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 STEPHEN D. SVETICH  
Deputy Attorney General  
4 State Bar No. 272370  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **ROYAL CARE PHARMACY, STACI**  
14 **MARMERSHTEYN, BORIS**  
15 **SHENDEROVSKY, ALEKSANDR SURIS,**  
16 **MAXIM SVERDLOV, OWNERS**  
**7300 Sunset Boulevard, Suite L**  
**Los Angeles, CA 90046**

17 **Pharmacy Permit No. PHY 44271**

18 **and**

19 **DIMITRY GOTLINSKY**  
20 **5216 Yarmouth Avenue, 302**  
**Encino, CA 91316**

21 **Pharmacist License No. RPH 60239,**

22 Respondents.  
23

Case No. 6238

OAH No. 2020050406

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER AS TO**  
**RESPONDENT DIMITRY GOTLINSKY**  
**ONLY**

24 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
25 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
26 the parties hereby agree to the following Stipulated Surrender and Disciplinary Order which will  
27 be submitted to the Board for approval and adoption as the final disposition of the First Amended  
28 Accusation solely with respect to Respondent Dimitry Gotlinsky. It does not apply to

1 Respondent Royal Care Pharmacy, Staci Marmershteyn, Boris Shenderovsky, Aledsandr Suris,  
2 Maxim Sverdlov, Owners.

3 **PARTIES**

4 1. Anne Sodergren (“Complainant”) is the Executive Officer of the Board of Pharmacy  
5 (“Board”). She brought this action solely in her official capacity and is represented in this matter  
6 by Xavier Becerra, Attorney General of the State of California, by Stephen D. Svetich, Deputy  
7 Attorney General.

8 2. Respondent Dimitry Gotlinsky (“Respondent Gotlinsky”) is represented in this  
9 proceeding by attorney Seth Weinstein, whose address is: Seth Weinstein, Esq., Law Offices of  
10 Seth Weinstein, P.C., 15260 Ventura Blvd., Suite 1200, Sherman Oaks, CA 91403.

11 3. On or about September 25, 2007, the Board issued Pharmacist License No. RPH  
12 60239 to Respondent Gotlinsky. The Pharmacist License was in full force and effect at all times  
13 relevant to the charges brought in First Amended Accusation No. 6238 and will expire on  
14 December 31, 2020, unless renewed.

15 **JURISDICTION**

16 4. Accusation No. 6238 was filed before the Board, and is currently pending against  
17 Respondent Gotlinsky. The Accusation and all other statutorily required documents were  
18 properly served on Respondent Gotlinsky on June 13, 2019. Respondent Gotlinsky timely filed  
19 his Notice of Defense contesting the Accusation. On September 4, 2020, the Board filed First  
20 Amended Accusation No. 6238. The First Amended Accusation and all other statutorily required  
21 documents were properly served on Respondent Gotlinsky on June 19, 2020. A copy of First  
22 Amended Accusation No. 6238 is attached as **Exhibit A** and incorporated by reference.

23 **ADVISEMENT AND WAIVERS**

24 5. Respondent Gotlinsky has carefully read, fully discussed with counsel, and  
25 understands the charges and allegations in First Amended Accusation No. 6238. Respondent  
26 Gotlinsky also has carefully read, fully discussed with counsel, and understands the effects of this  
27 Stipulated Surrender of License and Order.

28



1 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
2 and the Board shall not be disqualified from further action by having considered this matter.

3 12. The parties understand and agree that Portable Document Format (“PDF”) and  
4 facsimile copies of this Stipulated Surrender of License and Order, including PDF and facsimile  
5 signatures thereto, shall have the same force and effect as the originals.

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

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

14 **ORDER**

15 IT IS HEREBY ORDERED that Pharmacist License No. RPH 60239, issued to Respondent  
16 Dimitry Gotlinsky, is surrendered and accepted by the Board.

17 1. The surrender of Respondent Gotlinsky’s Pharmacist License and the acceptance of  
18 the surrendered license by the Board shall constitute the imposition of discipline against  
19 Respondent Gotlinsky. This stipulation constitutes a record of the discipline and shall become a  
20 part of Respondent Gotlinsky’s license history with the Board.

21 2. Respondent Gotlinsky shall lose all rights and privileges as a Pharmacist in California  
22 as of the effective date of the Board's Decision and Order.

23 3. Respondent Gotlinsky shall cause to be delivered to the Board his pocket license and,  
24 if one was issued, his wall certificate on or before the effective date of the Decision and Order.

25 4. Respondent Gotlinsky may not apply, reapply, or petition for any licensure or  
26 registration of the Board for three (3) years from the effective date of the Decision and Order.  
27 Respondent Gotlinsky shall satisfy all requirements applicable to that license as of the date the  
28 application is submitted to the board, including, but not limited to, taking and passing licensing

1 examination(s) as well as fulfilling any education or experience requirements prior to the issuance  
2 of a new license.

3 5. If he ever applies for licensure or petitions for reinstatement in the State of California,  
4 the Board shall treat it as a new application for licensure. Respondent Gotlinsky must comply  
5 with all the laws, regulations and procedures for licensure in effect at the time the application or  
6 petition is filed, and all of the charges and allegations contained in First Amended Accusation No.  
7 6238 shall be deemed to be true, correct, and admitted by Respondent Gotlinsky when the Board  
8 determines whether to grant or deny the application or petition.

9 6. Respondent Gotlinsky shall pay the agency its costs of investigation and enforcement  
10 in the amount of \$4,000.00 prior to issuance of a new or reinstated license.

11 7. If Respondent Gotlinsky should ever apply or reapply for a new license or  
12 certification, or petition for reinstatement of a license, by any other health care licensing agency  
13 in the State of California, all of the charges and allegations contained in First Amended  
14 Accusation, No. 6238 shall be deemed to be true, correct, and admitted by Respondent Gotlinsky  
15 for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict  
16 licensure.

17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Surrender of License and Order and have fully  
19 discussed it with my attorney, Seth Weinstein. I understand the stipulation and the effect it will  
20 have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order  
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
22 Board of Pharmacy.

23  
24 DATED: \_\_\_\_\_  
25 **DIMITRY GOTLINSKY**  
*Respondent*

26 ///

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2 of a new license.

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12 certification, or petition for reinstatement of a license, by any other health care licensing agency  
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16 licensure.

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18 I have carefully read the above Stipulated Surrender of License and Order and have fully  
19 discussed it with my attorney, Seth Weinstein. I understand the stipulation and the effect it will  
20 have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order  
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
22 Board of Pharmacy.

23  
24 DATED: 11/5/20

  
\_\_\_\_\_  
DIMITRY GOTLINSKY  
Respondent

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I have read and fully discussed with Respondent Dmitry Gotlinsky the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: \_\_\_\_\_  
SETH WEINSTEIN  
LAW OFFICES OF SETH WEINSTEIN,  
P.C.  
*Attorney for Respondent*

**ENDORSEMENT**

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.

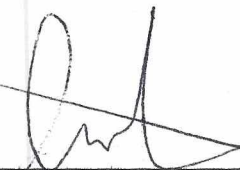
DATED: \_\_\_\_\_  
Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
LINDA L. SUN  
Supervising Deputy Attorney General

STEPHEN D. SVETICH  
Deputy Attorney General  
*Attorneys for Complainant*

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1 I have read and fully discussed with Respondent Dimitry Gotlinsky the terms and  
2 conditions and other matters contained in this Stipulated Surrender of License and Order. I  
3 approve its form and content.

4  
5 DATED: 11-05-2020

  
6 SETH WEINSTEIN  
7 LAW OFFICES OF SETH WEINSTEIN,  
8 P.C.  
9 *Attorney for Respondent*

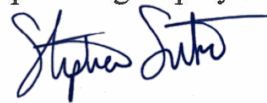
10 **ENDORSEMENT**

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

13 DATED: November 5, 2020

14 Respectfully submitted,

15 XAVIER BECERRA  
16 Attorney General of California  
17 LINDA L. SUN  
18 Supervising Deputy Attorney General



19 STEPHEN D. SVETICH  
20 Deputy Attorney General  
21 *Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 6238**

1 XAVIER BECERRA  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 STEPHEN D. SVETICH  
Deputy Attorney General  
4 State Bar No. 272370  
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E-mail: Stephen.Svetich@doj.ca.gov  
7 *Attorneys for Complainant*

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9 **BOARD OF PHARMACY**  
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13 **ROYAL CARE PHARMACY, STACI**  
14 **MARMERSHTEYN, BORIS**  
15 **SHENDEROVSKY, ALEKSANDR SURIS,**  
16 **MAXIM SVERDLOV, OWNERS**  
7300 Sunset Boulevard, Suite L  
Los Angeles, CA 90046

**FIRST AMENDED ACCUSATION**

17 Pharmacy License No. PHY 44271

18 and

19 **DIMITRY GOTLINSKY**  
5216 Yarmouth Avenue, 302  
Encino, CA 91316

20 Pharmacist License No. RPH 60239

21 Respondents.

22  
23 Complainant alleges:

24 **PARTIES**

25 1. Anne Sodergren (Complainant) brings this First Amended Accusation solely in her  
26 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of  
27 Consumer Affairs.

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1           7.     Section 4300 of the Code states in pertinent part:

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

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

6                     (1) Suspending judgment.

7                     (2) Placing him or her upon probation.

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

10                    (4) Revoking his or her license.

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

13                    . . . .

14                    (e) The proceedings under this article shall be conducted in accordance  
15 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
16 Government Code, and the board shall have all the powers granted therein. The action  
17 shall be final, except that the propriety of the action is subject to review by the  
18 superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

19           8.     Section 4307 of the Code 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  
22 was under suspension, or who has been a manager, administrator, owner, member,  
23 officer, director, associate, partner, or any other person with management or control  
24 of any partnership, corporation, trust, firm, or association whose application for a  
25 license has been denied or revoked, is under suspension or has been placed on  
26 probation, and while acting as the manager, administrator, owner, member, officer,  
27 director, associate, partner, or any other person with management or control had  
28 knowledge 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 manager, administrator, owner, member, officer, director, associate, partner, or in  
any other position with management or control 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.

                  (b) 'Manager, administrator, owner, member, officer, director, associate,  
partner, or any other person with management or control of a license' as used in this  
section and Section 4308, may refer to a pharmacist or to any other person who serves  
in such capacity in or for a licensee...







1 14. Section 111340 of the Health & Safety Code states:

2 Any drug or device is misbranded unless it bears a label containing all of  
3 the following information:

4 (a) The name and place of business of the manufacturer, packer, or  
5 distributor.

6 (b) An accurate statement of the quantity of the contents in terms of  
7 weight, measure, or numerical count.

8 Reasonable variations from the requirements of subdivision (b) shall be  
9 permitted. Requirements for placement and prominence of the information and  
10 exemptions as to small packages shall be established in accordance with regulations  
11 adopted pursuant to Section 110380.

12 15. Section 111390 of the Health & Safety Code states:

13 Any drug or device is misbranded if its container is so made, formed, or  
14 filled as to be misleading.

15 16. Section 111440 of the Health & Safety Code states:

16 It is unlawful for any person to manufacture, sell, deliver, hold, or offer for  
17 sale any drug or device that is misbranded.

18 **REGULATORY PROVISIONS**

19 17. California Code of Regulations, title 16, section 1770, states:

20 For the purpose of denial, suspension, or revocation of a personal or  
21 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
22 Business and Professions Code, a crime or act shall be considered substantially related  
23 to the qualifications, functions or duties of a licensee or registrant if to a substantial  
24 degree it evidences present or potential unfitness of a licensee or registrant to perform  
25 the functions authorized by his license or registration in a manner consistent with the  
26 public health, safety, or welfare.

27 **COST RECOVERY**

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

1 **DRUGS**

2 19. **Halcion (Generic Name: Triazolam 0.25 mg):** Halcion is a dangerous drug  
3 pursuant to section 4022 and a Schedule IV Controlled Substance pursuant to Health & Safety  
4 Code section 11057, subdivision (d)(30). Halcion is used to treat anxiety.

5 20. **Creon (Generic Name: Pancrelipase):** Creon is a dangerous drug pursuant to  
6 section 4022 and is not a controlled substance. Creon is used to treat pancreatitis.

7 **FACTS**

8 21. As part of an investigation into Respondent Gotlinksy, in June 2015, the Office of the  
9 Inspector General, Office of Investigations of the Department of Health and Human Services  
10 contacted the Board and asked for assistance in executing a search warrant at Respondent Royal  
11 Care. On or about June 16, 2015, Board investigators assisted a team of agents and investigators  
12 from various state and federal agencies in executing a search warrant at Respondent Royal Care.  
13 A Board investigator was assigned to examine Respondent Royal Care's pharmacy drug  
14 inventories. An examination of all medications in the pharmacy revealed the following:

- 15 i. Expired drugs were found on the shelves among the drugs ready to be dispensed to  
16 patients. The expired drugs included the following: Diazepam 10 mg, expiration date  
17 04/15 and 11/14; Acetaminophen/Codeine 300/60 mg, expiration date 05/14; and  
18 Chlorpromazine 100 mg, expiration date 09/14.
- 19 ii. The wholesale reorder stickers were placed on the manufacturer bottles of some drugs,  
20 covering the manufacturer's lot numbers and expiration dates. This practice makes it  
21 difficult to read the lot number and expiration date. When a pharmacist is verifying a  
22 prescription, it is a standard of practice for the pharmacist to review the expiration date  
23 on the manufacturer's bottle to determine the drug is not expired prior to dispensing  
24 pursuant to a prescription. There was a bottle of Allopurinol 300 mg, delivered April  
25 7, 2015, with the Trimed Wholesale sticker covering the lot number and expiration  
26 date. There was a bottle of Tizanidine 4mg, delivered January 22, 2015, with the  
27 Trimed Wholesale sticker covering the lot number and expiration date. There was a  
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1 bottle of Doxycycline 50 mg capsule, delivered September 2, 2014, with a sticker  
2 bearing a “panda” logo covering the lot number and expiration date.

3 iii. Misbranded medications (overfill) on the pharmacy shelves were found among other  
4 medications ready to be dispensed to patients. Overfilled medications are those that  
5 contain more tablets or capsules in a manufacturer’s container than the actual labeled  
6 package size. Overfilled bottles of medications are considered misbranded medications  
7 because the source of the extra capsules or tablets is uncertain. Even if the medication  
8 is purchased from a legitimate source, it would be impossible to identify the lot  
9 numbers or expiration dates of extra tablets or capsules exceeding the labeled amount  
10 on the container. The misbranded medications included Triazolam 0.25 (102 tablets  
11 found in a manufacturer’s bottle indicating a ten-tablet package size) and Creon (110  
12 capsules found in a manufacturer’s bottle indicating a 100-capsule package size).

13 22. On or about July 5, 2016, in the United States District Court for the Central District of  
14 California, Case No. CR16-0459, the United States Attorney’s Office filed an Information  
15 document listing an allegation against Respondent Gotlinsky and two co-conspirators<sup>1</sup> alleging that  
16 they violated United States Code, title 18, section 1349 [conspiracy to commit health care fraud].  
17 The Information alleges that between January 2014 and March 2015, Respondent Gotlinsky  
18 engaged in a conspiracy with Suris and Sverdlov to commit health care fraud in violation of United  
19 States Code, title 18, section 1347. While employed as the pharmacist-in-charge at Respondent  
20 Royal Care, Respondent Gotlinsky processed prescriptions for certain drugs, including but not  
21 limited to Lidoderm, Nexium, and Abilify. Respondent Gotlinsky, Suris and Sverdlov knowingly  
22 submitted false and fraudulent claims to Medicare<sup>2</sup> which indicated the prescribed medications  
23 were medically necessary and were provided to Medicare patients. In fact, Respondent Gotlinsky,  
24 Suris and Sverdlov knew the prescriptions had not actually been filled, that the prescribed

25 <sup>1</sup> Respondent’s co-conspirators were indicted in a separate court case, United States District  
26 Court, Central District of California Case No. CR17-00420. The co-conspirators are Suris and  
Sverdlov.

27 <sup>2</sup> Medicare is a federal health care benefit program that provides benefits to individuals who are 65  
28 years and older or disabled. Medicare is administered by the Centers for Medicare and Medicaid  
Services, a federal agency under the United States Department of Health and Human Services.

1 medications had not been provided to Medicare beneficiaries, and that the prescribed medications  
2 were not medically necessary. As a result of the false and fraudulent claims Respondent Gotlinsky,  
3 Suris and Sverdlov submitted for reimbursement, Medicare reimbursed Respondent Royal Care at  
4 least \$2,224,588 for the fraudulent claims.

5 23. On or about July 5, 2016, Respondent Gotlinsky entered into a plea agreement with  
6 the United States of America in Case No. CR16-0459. Respondent Gotlinsky agreed to plead  
7 guilty to one count of committing health care fraud in violation of United States Code, title 18,  
8 section 1349. Respondent Gotlinsky admitted that he is, in fact, guilty of conspiring to commit  
9 health care fraud in violation of United States Code, title 18, section 1349. He admitted that he  
10 knowingly conspired with his two co-conspirators to commit health care fraud in violation of  
11 United States Code, title 18, section 1349.

12 24. Respondent Gotlinsky admitted that in furtherance of the conspiracy, he caused  
13 Respondent Royal Care to submit claims to Medicare for: (a) medications that Respondent Royal  
14 Care had purportedly dispensed to Medicare beneficiaries but, in fact had never been provided to  
15 the Medicare beneficiaries identified on the claims submitted to Medicare; and (b) medications that  
16 were medically unnecessary.

17 25. Respondent Gotlinsky admitted that on “many occasions,” he caused Medicare to be  
18 billed for medications purportedly provided on the basis of prescriptions that he knew neither he  
19 nor anyone else at Respondent Royal Care had filled. He understood that, by submitting and  
20 causing to be submitted these Medicare claims, he was falsely and fraudulently representing and  
21 maintaining the pretense that the prescriptions had been dispensed to the Medicare beneficiaries  
22 identified on the claims. Respondent Gotlinsky admitted that he committed these acts knowingly,  
23 willfully, and with the intent to defraud.

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26 26. Respondent Gotlinsky admitted that on other occasions, he would cause Medicare to  
27 be billed for medications that he knew were medically unnecessary because, among other reasons:  
28 (a) certain medications at issue were duplicative of one another and there was no legitimate reason

1 to prescribe them to an individual simultaneously; and (b) the volume of the medications being  
2 prescribed for an individual was unreasonably high. Respondent Gotlinsky admitted that he  
3 committed these acts knowingly, willfully, and with the intent to defraud.

4 27. On or about August 8, 2016, Respondent Gotlinsky pled guilty to violating United  
5 States Code, title 18, section 1349 [conspiracy to commit health care fraud] in Case No. CR16-  
6 0459. On or about March 5, 2020, the court sentenced Respondent Gotlinsky and issued a  
7 judgment against him. However, the sentence is under seal, and the terms of his sentence are  
8 unknown to the Board.

9 28. On or about June 5, 2018, a grand jury issued a superseding indictment against Suris  
10 and Sverdlov for violating United States Code, title 18, sections 1349 [conspiracy to commit  
11 health care fraud]; 1347 [health care fraud]; 1956, subdivision (h) [conspiracy to commit money  
12 laundering]; and 2, subdivision (b) [causing an act to be done]. The charges against Suris and  
13 Sverdlov proceeded to a jury trial. After a 13-day trial, a jury found Sverdlov guilty of conspiracy  
14 to commit health care fraud and conspiracy to commit money laundering. The jury found Sverdlov  
15 guilty of conspiracy to commit health care fraud and conspiracy to commit money laundering, and  
16 health care fraud. The court sentenced Suris and Sverdlov to 144 months in prison. Suris and  
17 Sverdlov appealed their convictions, and their appeals are pending.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Fraud and Dishonesty – Respondent Royal Care)**

3 29. Respondent Royal Care is subject to disciplinary action pursuant to section 4301,  
4 subdivisions (f) and (g), in that between January 2014 and March 2015, Respondent Royal Care  
5 committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption when he  
6 knowingly submitted false and fraudulent prescription medication claims to Medicare for  
7 reimbursement. Complainant refers to and by this reference incorporates the allegations set forth  
8 above in paragraphs 18 through 28, inclusive, as though set forth fully.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Violating Pharmacy Law / Acts Warranting Denial of Licensure – Respondent Royal Care)**

11 30. Respondent Royal Care is subject to disciplinary action under Code section 4301,  
12 subdivisions (o) and (p), on the grounds of unprofessional conduct, in that Respondent Royal Care  
13 committed acts violating the Pharmacy Law and/or federal and state laws that would have  
14 warranted denial of a license. Complainant refers to and by this reference incorporates the  
15 allegations set forth above in paragraphs 18 through 28, inclusive, as though set forth fully.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct – Violating California Statutes Applicable to Pharmacy**  
18 **– Respondent Royal Care)**

19 31. Respondent Royal Care’s Pharmacy Permit is subject to disciplinary action pursuant to  
20 section 4301, subdivision (j), in that Respondent Royal Care exhibited unprofessional conduct by  
21 failing to comply with the provisions of the following California statutes:

- 22 (a) Section 111295 of the Health and Safety Code: During the execution of the  
23 search warrant on June 16, 2015, at Respondent Royal Care’s pharmacy,  
24 outdated medications (approximately 60 medication containers) were found  
25 among other medications ready to be dispensed to patients.

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1 (b) Sections 111340, 111390, and 111440 of the Health and Safety Code: During  
2 the execution of the search warrant on June 16, 2015, at Respondent Royal  
3 Care's pharmacy, overfill medication bottles were found among other  
4 medications ready to be dispensed to patients. Specifically, a bottle of  
5 Triazolam 0.25 mg (manufacturer's package size of 10 tablets) contained 102  
6 tablets, and a bottle of Creon (manufacturer's package size of 100 capsules)  
7 contained 110 capsules of Creon.

8 Complainant refers to and by this reference incorporates the allegations set forth above in  
9 paragraphs 18 through 28, inclusive, as though set forth fully.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct – Fraud and Dishonesty in License Renewal**  
12 **– Respondent Gotlinsky)**

13 32. Respondent Gotlinsky's Pharmacist License is subject to disciplinary action pursuant  
14 to section 4301, subdivisions (f) and (g), in that between January 2014 and March 2015,  
15 Respondent Gotlinsky committed acts involving moral turpitude, dishonesty, fraud, deceit or  
16 corruption when he knowingly submitted false and fraudulent prescription medication claims to  
17 Medicare for reimbursement. Complainant refers to and by this reference incorporates the  
18 allegations set forth above in paragraphs 18 through 28 inclusive, as though set forth fully.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Violating Pharmacy Law / Acts Warranting Denial of Licensure – Respondent Gotlinsky)**

21 33. Respondent Gotlinsky's pharmacist license is subject to disciplinary action under Code  
22 section 4301, subdivisions (o) and (p), on the grounds of unprofessional conduct, in that  
23 Respondent Gotlinsky committed acts violating the Pharmacy Law and/or federal and state laws  
24 that would have warranted denial of a license. Complainant refers to and by this reference  
25 incorporates the allegations set forth above in paragraphs 18 through 28, inclusive, as though set  
26 forth fully.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Violating California Statutes Applicable to Pharmacy**  
3 **– Respondent Gotlinsky)**

4 34. Respondent Gotlinsky’s pharmacist license is subject to disciplinary action pursuant to  
5 section 4301, subdivision (j), in that Respondent Gotlinsky exhibited unprofessional conduct by  
6 failing to comply with the provisions of the following California statutes:

7 (a) Section 111295 of the Health and Safety Code: During the execution of the  
8 search warrant on June 16, 2015, at Respondent Royal Care’s pharmacy,  
9 outdated medications (approximately 60 medication containers) were found  
10 among other medications ready to be dispensed to patients.

11 (b) Sections 111340, 111390, and 111440 of the Health and Safety Code: During  
12 the execution of the search warrant on June 16, 2015, at Respondent Royal  
13 Care’s pharmacy, overfill medication bottles were found among other  
14 medications ready to be dispensed to patients. Specifically, a bottle of  
15 Triazolam 0.25 mg (manufacturer’s package size of 10 tablets) contained 102  
16 tablets, and a bottle of Creon (manufacturer’s package size of 100 capsules)  
17 contained 110 capsules of Creon.

18 Complainant refers to and by this reference incorporates the allegations set forth above in  
19 paragraphs 18 through 28, inclusive, as though set forth fully.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Conviction of a Substantially Related Crime – Respondent Gotlinsky)**

22 35. Respondent Gotlinsky is subject to disciplinary action under Code section 4301, subdivision  
23 (l), in conjunction with California Code of Regulations, title 16, section 1770, in that Respondent  
24 was convicted of a crime substantially related to qualifications, functions, or duties of a registered  
25 pharmacist which to a substantial degree evidence his present or potential unfitness to perform the  
26 functions authorized by his registration in a manner consistent with the public health, safety, or  
27 welfare, as fully alleged above. Complainant refers to and by this reference incorporates the  
28 allegations set forth above in paragraphs 18 through 28, inclusive, as though set forth fully.



1 **OTHER MATTERS**

2 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
3 PHY 44271 issued to Royal Care Pharmacy, Inc., Royal Care Pharmacy Inc., shall be prohibited  
4 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
5 of a licensee for five years if Pharmacy Permit Number PHY 44271 is placed on probation or until  
6 Pharmacy Permit Number PHY 44271 is reinstated if it is revoked.

7 37. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
8 PHY 44271 issued to Royal Care Pharmacy, Inc., while Staci Marmershteyn, Boris Shenderovsky,  
9 Aleksandr Suris, and/or Maxim Sverdlov have been an officer and owner and had knowledge of or  
10 knowingly participated in any conduct for which the licensee was disciplined, Staci Marmershteyn,  
11 Boris Shenderovsky, Aleksandr Suris, and/or Maxim Sverdlov shall be prohibited  
12 from serving as a manager, administrator, owner, member, officer, director, associate, or partner  
13 of a licensee for five years if Pharmacy Permit Number PHY 44271 is placed on probation or until  
14 Pharmacy Permit Number PHY 44271 is reinstated if it is revoked.

15 **PRAYER**

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

18 1. Revoking or suspending Pharmacy Permit Number PHY 44271, issued to Royal Care  
19 Pharmacy, Inc.;

20 2. Revoking or suspending Pharmacist License Number RPH 60239, issued to Dimitry  
21 Gotlinsky;

22 3. Prohibiting Royal Care Pharmacy, Inc., from serving as a manager, administrator,  
23 owner, member, officer, director, associate, or partner of a licenses for five years if Pharmacy  
24 Permit Number PHY 44271 is placed on probation or until Pharmacy Permit Number PHY 44271  
25 is reinstated if Pharmacy Permit Number PHY 44271 issued to Royal Care Pharmacy, Inc., is  
26 revoked;

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1           4.     Prohibiting Staci Marmershteyn, Boris Shenderovsky, Aleksandr Suris, and/or Maxim  
2 Sverdlov from serving as a manager, administrator, owner, member, officer, director, associate, or  
3 partner of a licensee for five years if Pharmacy Permit Number PHY 44271 is placed on probation  
4 or until Pharmacy Permit Number PHY 44271 is reinstated if Pharmacy Permit Number PHY  
5 44271 issued to Royal Care Pharmacy, Inc., is revoked;

6           5.     Ordering Royal Care Pharmacy Inc. and Dimitry Gotlinsky to pay the Board of  
7 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
8 Business and Professions Code section 125.3; and

9           5     Taking such other and further action as deemed necessary and proper.

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12 DATED:     9/4/2020

*Anne Sodergren*

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ANNE SODERGREN  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
*Complainant*

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