

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

In the Matter of the Accusation Against:

**INF CORP. DBA STAR PHARMACY, MIKHAIL ISKHAKOV, PRES., YEFIM
IKHAKOV, SHAREHOLDER, AARON LOUIS SLOTKIN, PIC,**

Pharmacy Permit No. PHY 48401,

**INF CORP. DBA STAR PHARMACY, MIKHAIL ISKHAKOV, CEO, YEFIM
IKHAKOV, DIRECTOR, LARISA FAYMAN, DIRECTOR/SHAREHOLDER,
PIC,**

Pharmacy Permit No. PHY 57459,

AARON LOUIS SLOTKIN,

Pharmacist License No. RPH 61933;

and

FRANK CHRISTOPHER MILLER

Pharmacy Technician License No. TCH 107404;

Respondents

Agency Case No. 6555

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 November 4, 2020.

It is so ORDERED on October 5, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over a horizontal line.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 LINDA L. SUN
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6301
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

13 **INF CORP. DBA STAR PHARMACY,**
14 **IARISA FAYMAN, PIC, AARON LOUIS**
15 **SLOTKIN, PIC**
14400 Vanowen Street
Van Nuys, CA 91406

16
17 Pharmacy Permit No. PHY 48401,

18 and

19 **AARON LOUIS SLOTKIN**
1704 S. Crescent Heights Blvd.
20 Los Angeles, CA 90035

21 Pharmacist License No. RPH 61933

22 Respondents.
23

Case No. 6555

OAH No. 2020060586

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Xavier Becerra, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney
2 General.

3 2. Respondent Aaron Louis Slotkin (Respondent) is represented in this proceeding by
4 attorney Tony J. Park, Pharm.D., J.D., whose office is located at: 55 Cetus, 1st Floor, Irvine, CA
5 92618.

6 3. On or about November 7, 2008, the Board issued Pharmacist License Number RPH
7 61933 to Respondent. The Pharmacist License was in full force and effect at all times relevant to
8 the charges brought herein and will expire on June 30, 2022, unless renewed.

9 **JURISDICTION**

10 4. Accusation No. 6555 was filed before the Board, and is currently pending against
11 Respondent. The Accusation and all other statutorily required documents were properly served
12 on Respondent on November 6, 2019. Respondent timely filed his Notice of Defense contesting
13 the Accusation.

14 5. A copy of Accusation No. 6555 is attached as exhibit A and incorporated herein by
15 reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 6555. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order.

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

27 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
28 every right set forth above.

1 **CULPABILITY**

2 9. Respondent understands and agrees that the charges and allegations in Accusation
3 No. 6555, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
4 License.

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
7 basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
8 those charges.

9 11. Respondent agrees that his Pharmacist License is subject to discipline and he agrees
10 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

11 **CONTINGENCY**

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

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 61933 issued to Respondent Aaron Louis Slotkin is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy- two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves Respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

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

2. Report to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other

1 requirements, Respondent shall state in each report under penalty of perjury whether there has
2 been compliance with all the terms and conditions of probation.

3 Failure to submit timely reports in a form as directed shall be considered a violation of
4 probation. Any period(s) of delinquency in submission of reports as directed may be added to the
5 total period of probation. Moreover, if the final probation report is not made as directed,
6 probation shall be automatically extended until such time as the final report is made and accepted
7 by the board.

8 3. Interview with the Board

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

14 4. Cooperate with Board Staff

15 Respondent shall timely cooperate with the board's inspection program and with the board's
16 monitoring and investigation of Respondent's compliance with the terms and conditions of his
17 probation, including but not limited to: timely responses to requests for information by board
18 staff; timely compliance with directives from board staff regarding requirements of any term or
19 condition of probation; and timely completion of documentation pertaining to a term or condition
20 of probation. Failure to timely cooperate shall be considered a violation of probation.

21 5. Continuing Education

22 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
23 pharmacist as directed by the board or its designee.

24 6. Reporting of Employment and Notice to Employers

25 During the period of probation, Respondent shall notify all present and prospective
26 employers of the decision in case number 6555 and the terms, conditions and restrictions imposed
27 on Respondent by the decision, as follows:

28 ///

1 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
2 undertaking any new employment, Respondent shall report to the board in writing the name,
3 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
4 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
5 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
6 schedule, if known. Respondent shall also include the reason(s) for leaving the prior
7 employment. Respondent shall sign and return to the board a written consent authorizing the
8 board or its designee to communicate with all of Respondent's employer(s) and supervisor(s), and
9 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
10 concerning Respondent's work status, performance, and monitoring. Failure to comply with the
11 requirements or deadlines of this condition shall be considered a violation of probation.

12 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
13 Respondent undertaking any new employment, Respondent shall cause (a) his direct supervisor,
14 (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other
15 compliance supervisor, and (c) the owner or owner representative of his employer, to report to the
16 board in writing acknowledging that the listed individual(s) has/have read the decision in case
17 number 6555, and terms and conditions imposed thereby. If one person serves in more than one
18 role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the Respondent's
19 responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the
20 event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term
21 of probation, Respondent shall cause the person(s) taking over the role(s) to report to the board in
22 writing within fifteen (15) days of the change acknowledging that he or she has read the decision
23 in case number 6555, and the terms and conditions imposed thereby.

24 If Respondent works for or is employed by or through an employment service, Respondent
25 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
26 of the decision in case number 6555, and the terms and conditions imposed thereby in advance of
27 respondent commencing work at such licensed entity. A record of this notification must be
28 provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of Respondent undertaking any new employment by or through an employment service, Respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the board in writing acknowledging that he or she has read the decision in case number 6555, and the terms and conditions imposed thereby. It shall be Respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

Failure to timely notify present or prospective employer(s) or failure to cause the identified person(s) with that/those employer(s) to submit timely written acknowledgments to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a pharmacist, or any position for which a pharmacist is a requirement or criterion for employment, whether the respondent is an employee, independent contractor or volunteer.

7. Notification of Change(s) in Name, Address(es), or Phone Number(s)

Respondent shall further notify the board in writing within ten (10) days of any change in name, residence address, mailing address, e-mail address or phone number.

Failure to timely notify the board of any change in employer, name, address, or phone number shall be considered a violation of probation.

8. Restrictions on Supervision and Oversight of Licensed Facilities

During the period of probation, Respondent shall not supervise any intern pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible manager or other compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

9. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$5,000.00. Respondent shall make said payments as follows:

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Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

10. Probation Monitoring Costs

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

11. Status of License

Respondent shall, at all times while on probation, maintain an active, current Pharmacist License with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current Pharmacist License shall be considered a violation of probation.

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

12. License Surrender While on Probation/Suspension

Following the effective date of this decision, should Respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, Respondent may relinquish his license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent will no longer be subject to

1 the terms and conditions of probation. This surrender constitutes a record of discipline and shall
2 become a part of the Respondent's license history with the board.

3 Upon acceptance of the surrender, Respondent shall relinquish his pocket and/or wall
4 license, including any indicia of licensure not previously provided to the board within ten (10)
5 days of notification by the board that the surrender is accepted if not already provided.
6 Respondent may not reapply for any license from the board for three (3) years from the effective
7 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
8 of the date the application for that license is submitted to the board, including any outstanding
9 costs.

10 13. Practice Requirement – Extension of Probation

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed as a pharmacist in California for a minimum of 80 hours per calendar month. Any
13 month during which this minimum is not met shall extend the period of probation by one month.
14 During any such period of insufficient employment, Respondent must nonetheless comply with
15 all terms and conditions of probation, unless Respondent receives a waiver in writing from the
16 board or its designee.

17 If Respondent does not practice as a pharmacist in California for the minimum number of
18 hours in any calendar month, for any reason (including vacation), Respondent shall notify the
19 board in writing within ten (10) days of the conclusion of that calendar month. This notification
20 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the
21 interruption or reduction in practice; and the anticipated date(s) on which Respondent will resume
22 practice at the required level. Respondent shall further notify the board in writing within ten (10)
23 days following the next calendar month during which Respondent practices as a pharmacist in
24 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
25 considered a violation of probation.

26 It is a violation of probation for Respondent's probation to be extended pursuant to the
27 provisions of this condition for a total period, counting consecutive and non-consecutive months,
28

1 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended
2 probation period on its website.

3 **14. Violation of Probation**

4 If Respondent has not complied with any term or condition of probation, the board shall
5 have continuing jurisdiction over Respondent, and the board shall provide notice to respondent
6 that probation shall automatically be extended, until all terms and conditions have been satisfied
7 or the board has taken other action as deemed appropriate to treat the failure to comply as a
8 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
9 board or its designee may post a notice of the extended probation period on its website.

10 If Respondent violates probation in any respect, the board, after giving Respondent notice
11 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
12 was stayed. If a petition to revoke probation or an accusation is filed against Respondent during
13 probation, or the preparation of an accusation or petition to revoke probation is requested from
14 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of
15 probation shall be automatically extended until the petition to revoke probation or accusation is
16 heard and decided, and the charges and allegations in Accusation No. 6555 shall be deemed true
17 and correct.

18 **15. Completion of Probation**

19 Upon written notice by the board or its designee indicating successful completion of
20 probation, Respondent's license will be fully restored.

21 **16. Remedial Education**

22 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
23 board or its designee, for prior approval, an appropriate program of remedial education related to
24 the grounds for discipline, in such areas including but not limited to: pharmacy security,
25 prescription drug abuse, diversion of controlled substances, and the role of a PIC. The program
26 of remedial education shall consist of at least 10 hours per year of probation at Respondent's own
27 expense (50% which is live/in-person/webinar). All remedial education shall be in addition to,
28

1 and shall not be credited toward, continuing education (CE) courses used for license renewal
2 purposes for pharmacists.

3 Failure to timely submit for approval or complete the approved remedial education shall be
4 considered a violation of probation. The period of probation will be automatically extended until
5 such remedial education is successfully completed and written proof, in a form acceptable to the
6 board, is provided to the board or its designee.

7 Following the completion of each course, the board or its designee may require the
8 Respondent, at his own expense, to take an approved examination to test the Respondent's
9 knowledge of the course. If the Respondent does not achieve a passing score on the examination
10 that course shall not count towards satisfaction of this term. Respondent shall take another course
11 approved by the board in the same subject area.

12 **17. No New Ownership or Management of Licensed Premises**

13 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
14 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
15 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or
16 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
17 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
18 or hereinafter licensed by the board, Respondent may continue to serve in such capacity or hold
19 that interest, but only to the extent of that position or interest as of the effective date of this
20 decision. Violation of this restriction shall be considered a violation of probation.

21 **18. Diversion Training Program**

22 Within the first year of probation, respondent shall enroll in the board's diversion training
23 program, "Prescription Drug Abuse and Diversion What a Pharmacist Needs to Know," at
24 Respondent's expense. Respondent shall provide proof of enrollment upon request. Within thirty
25 (30) days of completion, respondent shall submit a copy of the certificate of completion to the
26 board or its designee. Failure to timely enroll in the program, to initiate the program during the
27 first year of probation, to successfully complete it before the end of the second year of probation,

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1 or to timely submit proof of completion to the board or its designee, shall be considered a
2 violation of probation.

3
4 **ACCEPTANCE**

5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
6 discussed it with my attorney, Tony J. Park, Pharm.D., J.D. I understand the stipulation and the
7 effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and
8 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
9 Decision and Order of the Board of Pharmacy.

10
11 DATED: _____
12 AARON LOUIS SLOTKIN
13 *Respondent*

14 I have read and fully discussed with Respondent Aaron Louis Slotkin the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17
18 DATED: _____
19 TONY J. PARK, Pharm.D., J.D.
20 *Attorney for Respondent*

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1 or to timely submit proof of completion to the board or its designee, shall be considered a
2 violation of probation.

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4 **ACCEPTANCE**

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6 discussed it with my attorney, Tony J. Park, Pharm.D., J.D. I understand the stipulation and the
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8 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
9 Decision and Order of the Board of Pharmacy.

10
11 DATED:

7/22/20



AARON LOUIS SLOTKIN
Respondent

14 I have read and fully discussed with Respondent Aaron Louis Slotkin the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17
18 DATED:

TONY J. PARK, Pharm.D., J.D.
Attorney for Respondent

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1 or to timely submit proof of completion to the board or its designee, shall be considered a
2 violation of probation.

3
4 **ACCEPTANCE**

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8 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
9 Decision and Order of the Board of Pharmacy.

10
11 DATED: _____

AARON LOUIS SLOTKIN
Respondent

12
13
14 I have read and fully discussed with Respondent Aaron Louis Slotkin the terms and
15 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
16 I approve its form and content.

17
18 DATED: 07/22/2020 _____


TONY J. PARK, Pharm.D., J.D.
Attorney for Respondent

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ENDORSEMENT

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

DATED: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General

KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: July 21, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
LINDA L. SUN
Supervising Deputy Attorney General



KEVIN J. RIGLEY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6555

1 XAVIER BECERRA
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7902
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:

Case No. 6555

11 **INF CORP. DBA STAR PHARMACY, MIKHAIL**
12 **ISKHAKOV, PRES, YEFIM IKHAKOV,**
13 **SHAREHOLDER, AARON LOUIS SLOTKIN, PIC**
14 **14400 Vanowen Street**
Van Nuys, CA 91406

A C C U S A T I O N

15 **Pharmacy Permit No. PHY 48401,**

16 **INF CORP. DBA STAR PHARMACY, MIKHAIL**
17 **ISKHAKOV, CEO, YEFIM IKHAKOV, DIRECTOR,**
18 **IARISA FAYMAN, DIRECTOR/SHAREHOLDER, PIC**
19 **6735 Vaijean Street**
Van Nuys, CA 91406

20 **Pharmacy Permit No. PHY 57459,**

21 **AARON LOUIS SLOTKIN**
22 **1704 S. Crescent Heights Blvd.**
23 **Los Angeles, CA 90035**

24 **Pharmacist License No. RPH 61933,**

25 **FRANK CHRISTOPHER MILLER**
26 **3039 Caspian Drive**
27 **Palmdale, CA 93551**

28 **Pharmacy Technician License No. TCH 107404**

Respondents.

1 Complainant alleges:

2 **PARTIES**

3 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
4 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
5 Affairs.

6 2. On or about June 11, 2007, the Board issued Pharmacy Permit No. PHY 48401 to
7 INF Corp. dba Star Pharmacy, (Respondent Star Pharmacy), located at 14400 Vanowen St., Van
8 Nuys, California. Maya Mulayeva Nissimm was the Pharmacist-in-charge from December 5,
9 2006 to February 12, 2007 and January 17, 2019 to September 6, 2019. Aaron Louis Slotkin was
10 the Pharmacist-in-charge from June 1, 2015 to August 19, 2018. The Pharmacy Permit was in
11 full force and effect at all times relevant to the charges brought herein and expired on September
12 3, 2019, due to a change in location.

13 3. On or about September 3, 2019, the Board issued Pharmacy Permit No. PHY 57459
14 to INF Corp. dba STAR Pharmacy located at 6735 Vaijean Avenue, Van Nuys, California;
15 Larissa Fayman is the Pharmacist-in-charge. Said license is in full force and effect and will
16 expire on January 15, 2020, unless renewed.

17 4. On or about November 7, 2008, the Board issued Pharmacist License Number RPH
18 61933 to Aaron Louis Slotkin (Respondent Slotkin). The Pharmacist License was in full force
19 and effect at all times relevant to the charges brought herein and will expire on June 30, 2020,
20 unless renewed.

21 5. On or about October 19, 2010, the Board issued Pharmacy Technician License
22 Number TCH 107404 to Frank Christopher Miller (Respondent Miller). The Pharmacy
23 Technician License was in full force and effect at all times relevant to the charges brought herein
24 and will expire on February 29, 2020, unless renewed.

25 **JURISDICTION**

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

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

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

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

5 (1) Suspending judgment.

6 (2) Placing him or her upon probation.

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

8 (4) Revoking his or her license.

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

11 8. Section 4300.1 of the Code states:

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

18 **STATUTORY PROVISIONS**

19 9. Section 4301 of the Code states, in pertinent part:

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

23 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
24 corruption, whether the act is committed in the course of relations as a licensee or
25 otherwise, and whether the act is a felony or misdemeanor or not.

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

28 (k) The conviction of more than one misdemeanor or any felony involving the use,
consumption, or self-administration of any dangerous drug or alcoholic beverage, or
any combination of those substances.

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

10. Section 4022 of the Code states

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

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

...

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

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

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, . . . who maintains a stock of dangerous drugs or dangerous devices."

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

12. Section 4113 states, in pertinent part:

(a) Every pharmacy shall designate a pharmacist-in-charge and within 30 days thereof, shall notify the board in writing of the identity and license number of that pharmacist and the date he or she was designated.

...

(c) 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. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

REGULATORY PROVISIONS

14. California Code of Regulations, Title 16, Section 1714 states, in pertinent part:

...

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

...

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

...

15. California Code of Regulations, title 16, section 1718, states as follows:

“Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

DRUGS

16. “Xanax” is a brand name for alprazolam, and alprazolam is a Schedule IV controlled substances within the meaning of the Health and Safety Code 11057 (d) (1) and a dangerous drug within the meaning of Business and Professions Code section 4022.

COST RECOVERY

17. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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.

BACKGROUND

18. On or about September 2, 2018, a pharmacist at Respondent Star discovered that while the pharmacy had ordered three bottles of alprazolam 2 mg on August 31, 2018, there was no alprazolam 2 mg in stock and no records showed the medication had been dispensed

19. Surveillance video from August 31, 2018, showed Respondent Miller taking three bottles of alprazolam 2 mg from the shelves of Respondent Star Pharmacy without authorization. On or about September 1, 2018, the surveillance video showed Respondent Miller placing the alprazolam bottles into the trash and later taking the same trash and placing it into his car which was parked next to the pharmacy dumpster. On September 6, 2018, Respondent Miller admitted to a Los Angeles Police officer that he took the bottles of alprazolam 2 mg. Respondent Miller

1 was terminated from employment at Respondent Star Pharmacy.

2 20. On September 17, 2018, STAR Pharmacy submitted a report of theft or loss of
3 controlled substances showing the following losses: 62,700 tablets of Alprazolam 2 mg; 500
4 tablets of alprazolam 0.5 mg, and 10,000 tablets of Alprazolam 1 mg.

5 21. On or about January 7, 2019, in *People v. Frank Christopher Miller*, Los Angeles
6 Superior Court, Case No. 8VW06031, Respondent was convicted on his plea of no contest to a
7 violation of Penal Code section 508 (embezzlement) for taking Xanax pills having a value of
8 \$2,400.00, which was the property of Respondent Star Pharmacy.

9 22. A Board Inspector conducted an audit using Respondent Star Pharmacy's
10 acquisition and disposition records for alprazolam for the period of July 5, 2015 to September 26,
11 2018. Based upon those records, the Inspector determined that Respondents' actual shortage of
12 alprazolam was as follows: 593 tablets of alprazolam 0.5 mg; 21,494 tablets of alprazolam 1 mg;
13 and 79,864 tablets of alprazolam 2 mg.

14 **RESPONDENT MILLER**

15 **FIRST CAUSE FOR DISCIPLINE**
16 **(Conviction of a Crime)**

17 23. Respondent Miller is subject to disciplinary action under Code sections 490 and
18 4301 subds. (k) and (l) in that he was convicted of a crime substantially related to the practice of a
19 pharmacy technician. The circumstances are set forth above in paragraph 20.

20 **SECOND CAUSE FOR DISCIPLINE**
21 **(Possession of a Controlled Substance)**

22 24. Respondent Miller is subject to disciplinary action under Code sections 4301 subds.
23 (j) and (o) in that he illegally possessed controlled substances as set forth above in paragraph 18.

24 **THIRD CAUSE FOR DISCIPLINE**
25 **(Dishonest Acts)**

26 25. Respondent Miller is subject to disciplinary action under Code sections 4301 subd. (f)
27 in that he was dishonest or fraudulent in taking controlled substances without authorization from
28

Respondent Star Pharmacy where he was employed as a pharmacy technician, substances as set forth above in paragraph 18 and 20.

RESPONDENT STAR PHARMACY

**FOURTH CAUSE FOR DISCIPLINE
(Failure to Maintain Dangerous Drugs in Safe and Secure Manner)**

26. Respondent Star Pharmacy is subject to disciplinary action under Code sections 4300 and 4301, subdivisions (j) and (o), in conjunction with California Code of Regulations, title 16, section 1714, subdivision (b), in that Respondent Star Pharmacy failed to maintain its facilities, space, fixtures, and equipment so that drugs in its stock were safely and properly prepared, maintained, secured and distributed. Respondent Star Pharmacy's failures resulted in the loss of 101,951 tablets of the dangerous drug Alprazolam as set forth in paragraphs 17 through 21, above, incorporated herein by reference.

**FIFTH CAUSE FOR DISCIPLINE
(Failure to Maintain Records of Disposition of Dangerous Drugs)**

27. Respondent Star Pharmacy is subject to disciplinary action under Code sections 4300 and 4300.1, subdivisions (j) and (o), in conjunction with Code sections 4081, subdivision (a), and 4105, in that it failed to maintain and preserve all records of acquisition, disposition, and current inventory of dangerous drugs which resulted in their failure to have records of disposition to account for an inventory shortage of 101,951 tablets of the dangerous drug Alprazolam as set forth in paragraphs 17 through 21, above, incorporated herein by reference.

RESPONDENT SLOTKIN

**SIXTH CAUSE FOR DISCIPLINE
(Failure to Maintain Dangerous Drugs in Safe and Secure Manner)**

28. Under Code section 4113, the pharmacist-in-charge is responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy. Respondent Slotkin, the Pharmacist-in-Charge of Respondent Star Pharmacy, is subject to disciplinary action sections 4300 and 4300.1, subdivisions (j) and (o), in conjunction with California Code of Regulations, title 16, section 1714, subdivision (d), in that Respondent Slotkin failed to secure the prescription department of Respondent Star Pharmacy and failed to provide

1 for the effective control against theft or diversion of dangerous drugs resulting in the loss of
2 101,951 tablets of alprazolam as set forth in paragraphs 17 through 21, above, incorporated herein
3 by reference.

4 **SEVENTH CAUSE FOR DISCIPLINE**
5 **(Failure to Maintain Records of Disposition of Dangerous Drugs)**

6 29. Respondent Slotkin is subject to disciplinary action under Code sections 4300 and
7 4300.1, subdivisions (j) and (o), in conjunction with Code sections 4081, subdivision (a), and
8 4105, in that he failed to maintain and preserve all records of acquisition, disposition, and current
9 inventory of dangerous drugs which resulted in their failure to have records of disposition to
10 account for an inventory shortage of 101,951 tablets of the dangerous drug Alprazolam as set
11 forth in paragraphs 17 through 21, above, incorporated herein by reference.

12 **PRAYER**

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

15 1. Revoking or suspending Pharmacy Technician License Number TCH 107404, issued
16 to Frank Christopher Miller;

17 2. Revoking or suspending Pharmacy Permit Number PHY 48401, issued to INF Corp.
18 dba Star Pharmacy, Aaron Louis Slotkin, PIC;

19 3. Revoking or suspending Pharmacy Permit Number PHY 57459, issued to INF Corp.
20 dba Star Pharmacy, Larisa Fayman, PIC;

21 4. Revoking or suspending Pharmacist License Number RPH 61933, issued to Aaron
22 Louis Slotkin;

23 5. Ordering Frank Christopher Miller, Star Pharmacy, and Aaron Louis Slotkin to pay
24 the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
25 pursuant to Business and Professions Code section 125.3; and,
26
27
28

1 6. Taking such other and further action as deemed necessary and proper.

2
3
4 DATED: November 4, 2019



5 ANNE SODERGREN
6 Interim Executive Officer
7 Board of Pharmacy
8 Department of Consumer Affairs
9 State of California
10 Complainant

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