

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

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

**UNIVERSITY OF SOUTHERN CALIFORNIA dba USC MEDICAL PLAZA  
PHARMACY, EDWARD ROSKI, Chairman, C.L. MAX NIKIAS,  
President, ALBERT CHECCIO, SVP, ELIZABETH GARRETT, SVP, TODD  
DICKEY, SVP, THOMAS SAYLES, SVP, THOMAS JACKIEWICZ, SVP,  
JAMES STATEN, VP/Treas./CFO, CAROL AMIR, Secretary,  
Pharmacy Permit No. PHY 37195; and**

**SHARON KAY COCHRAN,  
Pharmacist License No. RPH 30753; and**

**ERIC ISRAEL MONTERO,  
Pharmacy Technician Registration No. TCH 139367; and**

**MICHAEL SALDANA,  
Pharmacy Technician Registration No. TCH 107278,**

**Respondents**

**Agency Case No. 6584**

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 May 20, 2020.

It is so ORDERED on April 20, 2020.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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

By

Greg Lippe  
Board President

XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General  
KRISTINA T. JARVIS  
Deputy Attorney General  
State Bar No. 258229  
1300 I Street, Suite 125  
P.O. Box 944255  
Sacramento, CA 94244-2550  
Telephone: (916) 210-6088  
Facsimile: (916) 327-8643  
*Attorneys for Complainant*

**BEFORE THE  
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STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**UNIVERSITY OF SOUTHERN  
CALIFORNIA DBA USC MEDICAL  
PLAZA PHARMACY  
EDWARD ROSKI, Chairman,  
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1510 San Pablo St, Ste 144  
Los Angeles, CA 90033**

**Pharmacy Permit No. PHY 37195**

**SHARON KAY COCHRAN  
1510 San Pablo St., #144  
San Diego, CA 90033**

**Pharmacist License No. RPH 30753**

**ERIC ISRAEL MONTERO  
2665 Marengo St.  
Los Angeles, CA 90033**

**Pharmacy Technician Registration No. TCH  
139367**

Case No. 6584

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

**(FOR RESPONDENT UNIVERSITY OF  
SOUTHERN CALIFORNIA ONLY)**

**[Bus. & Prof. Code § 495]**

**MICHAEL SALDANA**  
**11041 Biella Way**  
**Whittier, CA 90604**

Respondents.

## PARTIES

## JURISDICTION

STIP SETTLEMENT &amp; DISC ORDER FOR PUBLIC REPROVAL (6584)

properly served on Respondent Pharmacy on August 14, 2019. Respondent Pharmacy timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 6584 is attached as exhibit A and incorporated herein by reference.

#### **ADVISEMENT AND WAIVERS**

5. Respondent Pharmacy has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6584. Respondent Pharmacy has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reproval.

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

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

#### **CULPABILITY**

8. Respondent Pharmacy understands and agrees that the First Cause for Discipline and the charges and allegations supporting said cause in Accusation No. 6584, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy License.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent Pharmacy agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation relating to the First Cause for Discipline, and that Respondent Pharmacy hereby gives up its right to contest those charges.

10. Respondent Pharmacy agrees that its Pharmacy License is subject to discipline and it agrees to be bound by the Disciplinary Order below.

///

1 **CONTINGENCY**

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

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

15 13. This Stipulated Settlement and Disciplinary Order for Public Repeval is intended by  
16 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
17 of their agreement. It supersedes any and all prior or contemporaneous agreements,  
18 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated  
19 Settlement and Disciplinary Order for Public Repeval may not be altered, amended, modified,  
20 supplemented, or otherwise changed except by a writing executed by an authorized representative  
21 of each of the parties.

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

25 **DISCIPLINARY ORDER**

26 IT IS HEREBY ORDERED that Pharmacy License No. PHY 37195 issued to Respondent  
27 Pharmacy University of Southern California dba USC Medical Plaza Pharmacy shall be publicly

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reproved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 6584, attached as exhibit A.

**Cost Recovery.** Respondent Pharmacy shall pay \$5,000 to the Board for its costs associated with the investigation and enforcement of this matter. Respondent Pharmacy shall be permitted to pay these costs in a payment plan approved by the Board. If Respondent Pharmacy fails to pay the Board costs as ordered, Respondent Pharmacy shall not be allowed to renew its Pharmacy License until Respondent Pharmacy pays costs in full.

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorneys Keith Carlson and Kathy Nichols. I understand the stipulation and the effect it will have on my Pharmacy License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

\_\_\_\_\_  
UNIVERSITY OF SOUTHERN CALIFORNIA  
Dba USC MEDICAL PLAZA PHARMACY  
*Respondent*

\_\_\_\_\_  
Print Name of Signatory

\_\_\_\_\_  
Print Title of Signatory

I have read and fully discussed with Respondent University of Southern California dba USC Medical Plaza Pharmacy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

DATED: \_\_\_\_\_

\_\_\_\_\_  
*Attorney for Respondent*

\_\_\_\_\_  
Print Name of Signatory

///

///

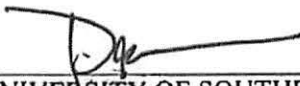
1 reprovred by the Board of Pharmacy under Business and Professions Code section 495 in  
2 resolution of Accusation No. 6584, attached as exhibit A.

3 **Cost Recovery.** Respondent Pharmacy shall pay \$5,000 to the Board for its costs  
4 associated with the investigation and enforcement of this matter. Respondent Pharmacy shall be  
5 permitted to pay these costs in a payment plan approved by the Board. If Respondent Pharmacy  
6 fails to pay the Board costs as ordered, Respondent Pharmacy shall not be allowed to renew its  
7 Pharmacy License until Respondent Pharmacy pays costs in full.

8 **ACCEPTANCE**

9 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
10 Reproval and have fully discussed it with my attorneys Keith Carlson and Kathy Nichols. I  
11 understand the stipulation and the effect it will have on my Pharmacy License. I enter into this  
12 Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and  
13 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

14  
15 DATED: 2-27-20

  
16 UNIVERSITY OF SOUTHERN CALIFORNIA  
17 Dba USC MEDICAL PLAZA PHARMACY  
18 Respondent

19 David Wright

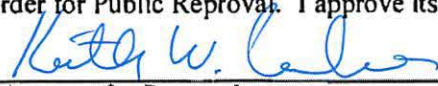
20 Print Name of Signatory

21 Senior Vice President, Administration

22 Print Title of Signatory

23 I have read and fully discussed with Respondent University of Southern California dba  
24 USC Medical Plaza Pharmacy the terms and conditions and other matters contained in the above  
25 Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

26 DATED: 2-27-2020

  
27 Attorney for Respondent

28 Keith W. Carlson

Print Name of Signatory

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: March 6, 2020

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
KENT D. HARRIS  
Supervising Deputy Attorney General

  
KRISTINA T. JARVIS  
Deputy Attorney General  
*Attorneys for Complainant*

**Exhibit A**

**Accusation No. 6584**

1 XAVIER BECERRA  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6088  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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11 In the Matter of the Accusation Against:

Case No. 6584

12 **UNIVERSITY OF SOUTHERN**  
13 **CALIFORNIA DBA USC MEDICAL**  
**PLAZA PHARMACY**  
14 **EDWARD ROSKI, Chairman,**  
**C.L. MAX NIKIAS, President,**  
15 **ALBERT CHECCIO, SVP**  
**ELIZABETH GARRETT, SVP**  
16 **TODD DICKEY, SVP**  
**THOMAS SAYLES, SVP**  
17 **THOMAS JACKIEWICZ, SVP**  
**JAMES STATEN, VP/Treas./CFO**  
18 **CAROL AMIR, Secretary**  
**1510 San Pablo St, Ste 144**  
19 **Los Angeles, CA 90033**

**A C C U S A T I O N**

20 **Pharmacy Permit No. PHY 37195**

21 **SHARON KAY COCHRAN**  
**1510 San Pablo St., #144**  
22 **San Diego, CA 90033**

23 **Pharmacist License No. RPH 30753**

24 **ERIC ISRAEL MONTERO**  
**2665 Marengo St.**  
25 **Los Angeles, CA 90033**

26 **Pharmacy Technician Registration No. TCH**  
**139367**

27 **and**  
28

**MICHAEL SALDANA**  
**11041 Biella Way**  
**Whittier, CA 90604**

**Pharmacy Technician Registration No. TCH**  
**107278**

Respondents.

Complainant alleges:

**PARTIES**

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

2. On or about May 20, 1991, the Board of Pharmacy issued Pharmacy Permit Number PHY 37195 to University of Southern California doing business as (dba) USC Medical Plaza Pharmacy (Respondent Pharmacy). At all times relevant to the charges brought herein, Edward Roski was the chairman, C.L. Max Nikias was the president, Albert Checcio, Elizabeth Garrett, Todd Dickey, Thomas Sayles, and Thomas Jackiewicz, were senior vice-presidents (SVP), James Staten was the vice-president (VP) and treasurer/chief financial officer, Carol Amir was the secretary, and Sharon Kay Cochran was the Pharmacist-In-Charge (PIC) of Respondent Pharmacy. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on May 1, 2020, unless renewed.

3. On or about December 20, 1976, the Board of Pharmacy issued Pharmacist License Number RPH 30753 to Sharon Kay Cochran (Respondent Cochran). From approximately October 1, 1997, through September 1, 2018, Respondent Cochran was the Pharmacist in Charge (PIC) for Respondent Pharmacy. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 29, 2020, unless renewed.

4. On or about March 21, 2014, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 139367 to Eric Israel Montero (Respondent Montero). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2019, unless renewed.

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5. On or about October 1, 2010, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 107278 to Michael Saldana (Respondent Saldana). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2020, unless renewed.

## JURISDICTION

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

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

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

“ . . .

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

8. Section 4300.1 of the Code states:

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

## BUSINESS AND PROFESSIONS CODE

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

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

“ . . .

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

4 “...

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

7 “...

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

12 10. Section 4307 of the Code states:

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

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

28 (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.

(c) The provisions of subdivision (a) may be alleged in any pleading filed  
pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the  
Government Code. However, no order may be issued in that case except as to a person  
who is named in the caption, as to whom the pleading alleges the applicability of this  
section, and where the person has been given notice of the proceeding as required by  
Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government

Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law."

11. Section 4022 of the Code states in pertinent part:

"Dangerous drug" or "dangerous device" 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..."

12. Section 4059 of the Code states in pertinent part:

"(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7..."

13. Section 4060 of the Code states in pertinent part:

"No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician..."

14. Section 4113 of the Code states in pertinent part:

"(a) Every pharmacy shall designate a pharmacist-in-charge..."

"..."

"(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..."

15. California Code of Regulations, title 16 (Regulations) Code section 1714, subdivision (b), states:

"(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."

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“ . . .

“(c) This section shall apply to any material, compound, mixture, or preparation containing  
of the following substances:

“ . . .

## DRUGS

18. Promethazine with codeine syrup is the generic name for Phenergan with Codeine  
 19. and is a dangerous drug pursuant to Business and Professions Code section 4022, and a  
 20. Schedule V controlled substance pursuant to Health and Safety Code section 11058, subdivision  
 21. (b).

19. 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 a licensing act to pay a sum not to exceed the reasonable costs of the investigation and settlement of the case.

**(Violation of Regulations Governing Pharmacy)**

6



1 2018, Respondent Pharmacy failed to maintain operational standards and security to the extent  
2 that approximately 31,456 tablets of alprazolam and 587,684 milliliters of promethazine with  
3 codeine were lost due to employee theft or other unknown reasons.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Violation of Regulations Governing Pharmacy)**

6 21. Respondent Cochran is subject to disciplinary action for unprofessional conduct  
7 pursuant to section 4301, subdivision (o), for failing to comply with Regulations section 1714,  
8 subdivision (b). The circumstances are that between approximately July 1, 2015, and August 6,  
9 2018, Respondent Cochran failed to maintain operational standards and security to the extent that  
10 approximately 31,456 tablets of alprazolam and 587,684 milliliters of promethazine with codeine  
11 were lost due to employee theft or other unknown reasons.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

14 22. Respondent Montero is subject to disciplinary action for unprofessional conduct  
15 pursuant to section 4301, subdivision (f), for committing acts involving moral turpitude,  
16 dishonesty, fraud, deceit, or corruption. The circumstances are that between August 1, 2016, and  
17 July 1, 2018, Respondent Montero ordered and removed approximately 21,000 tablets of  
18 alprazolam and 13,244 milliliters of promethazine with codeine from Respondent Pharmacy  
19 without a prescription.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

22 23. Respondent Montero is subject to disciplinary action for unprofessional conduct  
23 pursuant to section 4301, subdivision (j), for violating Code sections 4059 and 4060, and Health  
24 and Safety Code section 11375, subdivision (b), when he furnished to himself and possessed  
25 dangerous drugs and controlled substances without a prescription. The circumstances are that  
26 between August 1, 2016, and July 1, 2018, Respondent Montero ordered and removed  
27 approximately 21,000 tablets of alprazolam and 13,244 milliliters of promethazine with codeine  
28 from Respondent Pharmacy without a prescription.

1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Violation of Laws Governing Pharmacy)**

3 24. Respondent Montero is subject to disciplinary action for unprofessional conduct  
4 pursuant to section 4301, subdivision (o), for violating Code sections 4059 and 4060, which  
5 govern the practice of pharmacy. The circumstances are that between August 1, 2016, and July 1,  
6 2018, Respondent Montero ordered and removed approximately 21,000 tablets of alprazolam and  
7 13,244 milliliters of promethazine with codeine from Respondent Pharmacy without a  
8 prescription.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Acts of Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

11 25. Respondent Saldana is subject to disciplinary action for unprofessional conduct  
12 pursuant to section 4301, subdivision (f), for committing acts involving moral turpitude,  
13 dishonesty, fraud, deceit, or corruption. The circumstances are that between August 1, 2016, and  
14 July 1, 2018, Respondent Saldana ordered and removed approximately 3,000 tablets of  
15 alprazolam and 323,059 milliliters of promethazine with codeine from Respondent Pharmacy  
16 without a prescription.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Violation of Statutes Regulating Controlled Substances and Dangerous Drugs)**

19 26. Respondent Saldana is subject to disciplinary action for unprofessional conduct  
20 pursuant to section 4301, subdivision (j), for violating Code sections 4059 and 4060, and Health  
21 and Safety Code section 11375, subdivision (b), when he furnished to himself and possessed  
22 dangerous drugs and controlled substances without a prescription. The circumstances are that  
23 between August 1, 2016, and July 1, 2018, Respondent Saldana ordered and removed  
24 approximately 3,000 tablets of alprazolam and 323,059 milliliters of promethazine with codeine  
25 from Respondent Pharmacy without a prescription.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Violation of Laws Governing Pharmacy)**

3 27. Respondent Saldana is subject to disciplinary action for unprofessional conduct  
4 pursuant to section 4301, subdivision (o), for violating Code sections 4059 and 4060, which  
5 govern the practice of pharmacy. The circumstances are that between August 1, 2016, and July 1,  
6 2018, Respondent Saldana ordered and removed approximately 3,000 tablets of alprazolam and  
7 323,059 milliliters of promethazine with codeine from Respondent Pharmacy without a  
8 prescription.

9 **DISCIPLINE CONSIDERATIONS**

10 28. To determine the degree of discipline, if any, to be imposed on Respondent Montero,  
11 Complainant alleges that on or about August 19, 2015, in a prior action, the Board of Pharmacy  
12 issued Citation Number CI 2014 65512 for violating Section 4301, subdivisions (g), (h), and (l).  
13 Respondent was ordered to pay a fine in the amount of \$900, and Respondent complied. That  
14 Citation is now final and is incorporated by reference as if fully set forth.

15 **OTHER MATTERS**

16 29. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
17 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
18 Pharmacy, then the University of Southern California, shall be prohibited from serving as a  
19 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1)  
20 a period not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on  
21 probation; or, 2) if the pharmacy permit is revoked, the prohibition shall continue until the  
22 pharmacy permit is reinstated.

23 30. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
24 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
25 Pharmacy, then Edward Roski, Chairman, shall be prohibited from serving as a manager,  
26 administrator, owner, member, officer, director, associate, or partner of a licensee for 1) a period  
27 not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on probation; or, 2)

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1 if the pharmacy permit is revoked, the prohibition shall continue until the pharmacy permit is  
2 reinstated.

3 31. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
4 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
5 Pharmacy, then C.L. Max Nikias, President, shall be prohibited from serving as a manager,  
6 administrator, owner, member, officer, director, associate, or partner of a licensee for 1) a period  
7 not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on probation; or, 2)  
8 if the pharmacy permit is revoked, the prohibition shall continue until the pharmacy permit is  
9 reinstated.

10 32. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
11 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
12 Pharmacy, then Albert Checcio, Senior Vice-President, shall be prohibited from serving as a  
13 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1)  
14 a period not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on  
15 probation; or, 2) if the pharmacy permit is revoked, the prohibition shall continue until the  
16 pharmacy permit is reinstated.

17 33. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
18 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
19 Pharmacy, then Elizabeth Garrett, Senior Vice-President, shall be prohibited from serving as a  
20 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1)  
21 a period not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on  
22 probation; or, 2) if the pharmacy permit is revoked, the prohibition shall continue until the  
23 pharmacy permit is reinstated.

24 34. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
25 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
26 Pharmacy, then Todd Dickey, Senior Vice-President, shall be prohibited from serving as a  
27 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1)  
28 a period not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on

1 probation; or, 2) if the pharmacy permit is revoked, the prohibition shall continue until the  
2 pharmacy permit is reinstated.

3 35. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
4 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
5 Pharmacy, then Thomas Sayles, Senior Vice-President, shall be prohibited from serving as a  
6 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1)  
7 a period not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on  
8 probation; or, 2) if the pharmacy permit is revoked, the prohibition shall continue until the  
9 pharmacy permit is reinstated.

10 36. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
11 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
12 Pharmacy, then Thomas Jackiewicz, Senior Vice-President, shall be prohibited from serving as a  
13 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 1)  
14 a period not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on  
15 probation; or, 2) if the pharmacy permit is revoked, the prohibition shall continue until the  
16 pharmacy permit is reinstated.

17 37. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
18 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
19 Pharmacy, then James Staten, Vice-President and Treasurer/Chief Financial Officer, shall be  
20 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
21 or partner of a licensee for 1) a period not to exceed five (5) years if Pharmacy Permit number  
22 PHY 37195 is placed on probation; or, 2) if the pharmacy permit is revoked, the prohibition shall  
23 continue until the pharmacy permit is reinstated.

24 38. Pursuant to section 4307 of the Code, if discipline is imposed on Pharmacy License  
25 number PHY 37195 issued to University of Southern California dba USC Medical Plaza  
26 Pharmacy, then Carol Amir, Secretary, shall be prohibited from serving as a manager,  
27 administrator, owner, member, officer, director, associate, or partner of a licensee for 1) a period  
28 not to exceed five (5) years if Pharmacy Permit number PHY 37195 is placed on probation; or, 2)

1 if the pharmacy permit is revoked, the prohibition shall continue until the pharmacy permit is  
2 reinstated.

3 **PRAYER**

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

6 1. Revoking or suspending Pharmacy Permit Number PHY 37195, issued to University  
7 of Southern California dba USC Medical Plaza Pharmacy;

8 2. Prohibiting University of Southern California from serving as a manager,  
9 administrator, owner, member, officer, director, associate, partner, or in any other position with  
10 management or control of any Pharmacy licensee;

11 3. Prohibiting Edward Roski from serving as a manager, administrator, owner, member,  
12 officer, director, associate, partner, or in any other position with management or control of any  
13 Pharmacy licensee;

14 4. Prohibiting C.L. Max Nikias from serving as a manager, administrator, owner,  
15 member, officer, director, associate, partner, or in any other position with management or control  
16 of any Pharmacy licensee;

17 5. Prohibiting Albert Checcio from serving as a manager, administrator, owner,  
18 member, officer, director, associate, partner, or in any other position with management or control  
19 of any Pharmacy licensee;

20 6. Prohibiting Elizabeth Garrett from serving as a manager, administrator, owner,  
21 member, officer, director, associate, partner, or in any other position with management or control  
22 of any Pharmacy licensee;

23 7. Prohibiting Todd Dickey from serving as a manager, administrator, owner, member,  
24 officer, director, associate, partner, or in any other position with management or control of any  
25 Pharmacy licensee;

26 8. Prohibiting Thomas Sayles from serving as a manager, administrator, owner,  
27 member, officer, director, associate, partner, or in any other position with management or control  
28 of any Pharmacy licensee;

1           9.     Prohibiting Thomas Jackiewicz from serving as a manager, administrator, owner,  
2 member, officer, director, associate, partner, or in any other position with management or  
3 control of any Pharmacy licensee;

4           10.    Prohibiting James Staten from serving as a manager, administrator, owner, member,  
5 officer, director, associate, partner, or in any other position with management or control of any  
6 Pharmacy licensee;

7           11.    Prohibiting Carol Amir from serving as a manager, administrator, owner, member,  
8 officer, director, associate, partner, or in any other position with management or control of any  
9 Pharmacy licensee;

10          12.    Revoking or suspending Pharmacist License Number RPH 30753, issued to Sharon  
11 Kay Cochran;

12          13.    Revoking or suspending Pharmacy Technician Registration Number TCH 139367,  
13 issued to Eric Israel Montero;

14          14.    Revoking or suspending Pharmacy Technician Registration Number TCH 107278,  
15 issued to Michael Saldana;

16          15.    Ordering USC Medical Plaza Pharmacy, Sharon Kay Cochran, Eric Israel Montero,  
17 and Michael Saldana to pay the Board of Pharmacy the reasonable costs of the investigation and  
18 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

19          16.    Taking such other and further action as deemed necessary and proper.

20       DATED: August 12, 2019



21                   ANNE SODERGREN  
22                   Interim Executive Officer  
23                   Board of Pharmacy  
24                   Department of Consumer Affairs  
25                   State of California  
26                   Complainant

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