

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

**In the Matter of the Accusation Against: MARI-MINA
PHARMACEUTICALS, INC., DBA DEL'S PHARMACY I, SAMEH**

SOBHY ROKES

and

SARA ATTEF MAKAR

and

NOHA WASFI BENYAM KOLTA,

Respondents

Case number 6864

OAH No. 2020040536

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 January 20, 2021.

It is so ORDERED on December 21, 2020.

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

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
CHRISTINE J. LEE
Deputy Attorney General
State Bar No. 282502
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6285
Facsimile: (916) 731-2126
Attorneys for Complainant

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

In the Matter of the Accusation Against:
**MARI-MINA PHARMACEUTICALS INC.,
DBA DEL'S PHARMACY I,
SAMEH SOBHY ROKES, President
10374 Trademark St.
Rancho Cucamonga, CA 91730-5824**

Pharmacy Permit No. PHY 50935

and

**NOHA WASFI BENYAM KOLTA
10374 Trademark St.
Rancho Cucamonga, CA 91730**

Pharmacist License No. RPH 59346,

and

**SARA ATTEF MAKAR
354 S. La Fayette Park Place, Apt 106
Los Angeles, CA 90057**

**Pharmacy Technician Registration No. TCH
130629
Intern Pharmacist Registration No. INT
25924**

Respondents.

Case No. 6864

OAH No. 2020040536

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RESPONDENT
MARI-MINA PHARMACEUTICALS INC.,
DBA DEL'S PHARMACY I,
SAMEH SOBHY ROKES AND
RESPONDENT NOHA WASFI BENYAM
KOLTA ONLY**

[Bus. & Prof. Code § 495]

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

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 by
6 Xavier Becerra, Attorney General of the State of California, by Christine J. Lee, Deputy Attorney
7 General.

8 2. Respondent Mari-Mina Pharmaceuticals Inc., dba Del's Pharmacy 1, Sameh Sobhy
9 Rokes (Respondent Del's Pharmacy) and Respondent Noha Wasfi Benyam Kolta (Respondent
10 Kolta) represented in this proceeding by attorney Herbert Weinberg of Fenton Law Group LLP
11 whose address is: 1990 So. Bundy Drive Suite 777, Los Angeles, CA 90025.

12 **JURISDICTION**

13 3. On or about August 21, 2012, the Board of Pharmacy issued Pharmacy Permit
14 Number PHY 50935 to Mari-Mina Pharmaceuticals Inc., dba Del's Pharmacy I, Sameh Sobhy
15 Rokes, President, 50% Shareholder, and Treasurer/Chief Financial Officer (Respondent Del's
16 Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges
17 brought herein and will expire on August 1, 2020, unless renewed.

18 4. On or about March 8, 2007, the Board of Pharmacy issued Pharmacist License
19 Number RPH 59346 to Noha Wasfi Benyam Kolta (Respondent Kolta). Respondent Kolta is and
20 has been Secretary and 50% shareholder of Del's Pharmacy I. The Pharmacist License was in full
21 force and effect at all times relevant to the charges brought herein and will expire on December
22 31, 2020, unless renewed.

23 5. Accusation No. 6864 was filed before the Board of Pharmacy (Board), Department of
24 Consumer Affairs and is currently pending against Respondents. The Accusation and all other
25 statutorily required documents were properly served on Respondents on March 18, 2020.
26 Respondents timely filed their Notices of Defense contesting the Accusation. A copy of
27 Accusation No. 6864 is attached as exhibit A and incorporated herein by reference.

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CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondents or its counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

16. 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 Pharmacy Permit No. PHY 50935 issued to Respondent Mari-Mina Pharmaceuticals Inc., dba Del's Pharmacy 1, Sameh Sobhy Rokes (Respondent Del's

1 Pharmacy) and Pharmacist License Number RPH 59346 to Noha Wasfi Benyam Kolta
2 (Respondent Kolta) shall be publicly reprovved by the Board of Pharmacy under Business and
3 Professions Code section 495 in resolution of Accusation No. 6864, attached as exhibit A. This
4 decision constitutes a record of discipline and shall become a part of respondent's license history
5 with the board.

6 **Cost Recovery.** Respondents shall pay \$4,641.63 to the Board for its costs associated with
7 the investigation and enforcement of this matter. Respondents shall be permitted to pay these
8 costs in a payment plan approved by the Board. If Respondents fail to pay the Board costs as
9 ordered, Respondents shall not be allowed to renew their Pharmacy Permit or Pharmacist License
10 until Respondents pay costs in full.

11 **Full Compliance.** As a resolution of the charges in Accusation No. 6864, this stipulated
12 settlement is contingent upon Respondents' full compliance with all conditions of this Order. If
13 Respondents fail to satisfy any of these conditions, such failure to comply constitutes cause for
14 discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 50935 and
15 Pharmacist License Number RPH 59346.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
18 Reproval and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the
19 stipulation and the effect it will have on my Pharmacy Permit, and Pharmacy Permit, and
20 Pharmacist. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval
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 MARI-MINA PHARMACEUTICALS INC., DBA
26 DEL'S PHARMACY 1, SAMEH SOBHY ROKES
27 *Respondent*
28

1 Pharmacy) and Pharmacist License Number RPH 59346 to Noha Wasfi Benyam Kolta
2 (Respondent Kolta) shall be publicly reprovved by the Board of Pharmacy under Business and
3 Professions Code section 495 in resolution of Accusation No. 6864, attached as exhibit A. This
4 decision constitutes a record of discipline and shall become a part of respondent's license history
5 with the board.

6 **Cost Recovery.** Respondents shall pay \$4,641.63 to the Board for its costs associated with
7 the investigation and enforcement of this matter. Respondents shall be permitted to pay these
8 costs in a payment plan approved by the Board. If Respondents fail to pay the Board costs as
9 ordered, Respondents shall not be allowed to renew their Pharmacy Permit or Pharmacist License
10 until Respondents pay costs in full.

11 **Full Compliance.** As a resolution of the charges in Accusation No. 6864, this stipulated
12 settlement is contingent upon Respondents' full compliance with all conditions of this Order. If
13 Respondents fail to satisfy any of these conditions, such failure to comply constitutes cause for
14 discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 50935 and
15 Pharmacist License Number RPH 59346.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
18 Rcproval and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the
19 stipulation and the effect it will have on my Pharmacy Permit, and Pharmacy Permit, and
20 Pharmacist. I enter into this Stipulated Settlement and Disciplinary Order for Public Rcproval
21 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
22 Board of Pharmacy.

23
24 DATED: 7/22/2020



25 MARI-MINA PHARMACEUTICALS INC., DBA
26 DEL'S PHARMACY 1, SAMEH SOBH Y ROKES
27 Respondent
28

1 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
2 Reapproval and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the
3 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
4 Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently,
5 and agree to be bound by the Decision and Order of the Board of Pharmacy.

6
7 DATED: _____

NOHA WASFI BENYAM KOLTA
Respondent Kolta

9
10 I have read and fully discussed with Respondents the terms and conditions and other
11 matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reapproval.
12 I approve its form and content.

13
14 DATED: _____

HERBERT L. WEINBERG
Attorney for Respondent

1 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
2 Reproval and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the
3 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
4 Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
5 and agree to be bound by the Decision and Order of the Board of Pharmacy.

6
7 DATED:

7/22/2020


NOHA WASFI BENYAM KOLTA
Respondent Kolta

8
9
10 I have read and fully discussed with Respondents the terms and conditions and other
11 matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval.
12 I approve its form and content.

13
14 DATED:

7/23/2020


HERBERT L. WEINBERG
Attorney for Respondent

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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: _____

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General

CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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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: July 24, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General



CHRISTINE J. LEE
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6864

XAVIER BECERRA
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
CHRISTINE J. LEE
Deputy Attorney General
State Bar No. 282502
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

**BEFORE THE
BOARD OF PHARMACY
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In the Matter of the Accusation Against:

Case No. 6864

**MARI-MINA PHARMACEUTICALS INC.,
DBA DEL'S PHARMACY I,
SAMEH SOBHY ROKES, President
10374 Trademark St.
Rancho Cucamonga, CA 91730-5824**

ACCUSATION

Pharmacy Permit No. PHY 50935

and

**NOHA WASFI BENYAM KOLTA
10374 Trademark St.
Rancho Cucamonga, CA 91730**

Pharmacist License No. RPH 59346,

and

**SARA ATTEF MAKAR
354 S. La Fayette Park Place, Apt 106
Los Angeles, CA 90057**

**Pharmacy Technician Registration No. TCH
130629
Intern Pharmacist Registration No. INT
25924**

Respondents.

PARTIES

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

2. On or about August 21, 2012, the Board of Pharmacy issued Pharmacy Permit Number PHY 50935 to Mari-Mina Pharmaceuticals Inc., dba Del's Pharmacy I, Sameh Sobhy Rokes, President, 50% Shareholder, and Treasurer/Chief Financial Officer (Respondent Del's Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on August 1, 2020, unless renewed.

3. On or about March 8, 2007, the Board of Pharmacy issued Pharmacist License Number RPH 59346 to Noha Wasfi Benyam Kolta (Respondent Kolta). Respondent Kolta is and has been Secretary and 50% shareholder of Del's Pharmacy I. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2020, unless renewed.

4. On or about October 28, 2013, the Board of Pharmacy issued Pharmacy Technician Registration Number TCH 130629 to Sara Attef Makar (Respondent Makar). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2021, unless renewed.

5. On or about September 12, 2017, the Board of Pharmacy issued Intern Pharmacist Registration Number INT 25924 to Respondent Makar. The Intern Pharmacist Registration expired on September 30, 2018, and has not been 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 (Code) unless otherwise indicated.

Section 4300 of the Code states:

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

..."

7. Section 4300.1 of the Code states, in pertinent part:

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

6 **STATUTORY PROVISIONS**

7 8. Section 4301 of the Code states:

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

11 ...

12 (g) Knowingly making or signing any certificate or other document that falsely represents
13 the existence or nonexistence of a state of facts.

14 ...

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

19 ...

20 9. Section 4113 states in pertinent part:

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

24 (b) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all
25 state and federal laws and regulations pertaining to the practice of pharmacy.

26 (c) The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all
27 state and federal laws and regulations pertaining to the practice of pharmacy.

28 10. Section 4114 states in pertinent part:

1 (a) An intern pharmacist may perform all functions of a pharmacist at the discretion of and
2 under the direct supervision and control of a pharmacist whose license is in good standing with
3 the board.

4 **COST RECOVERY PROVISION**

5 11. Section 125.3 provides, in pertinent part, that the Board may request the
6 administrative law judge to direct a licensee found to have committed a violation or violations of
7 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
8 enforcement of the case.

9 **RELEVANT FACTS**

10 **November 6, 2019 Investigation Report**

11 12. On or about June 28, 2018, a Board inspector was conducting an inspection of
12 Respondent Del's Pharmacy I. It was discovered that a pharmacy technician was working with an
13 expired license. Respondent Kolta was warned by the Board inspector that it was her
14 responsibility to ensure her staff were properly licensed.

15 13. On or about December 18, 2018, Respondent Makar provided a Pharmacy Intern
16 Hours Affidavit (experience affidavit) that indicated she performed the duties of an intern
17 pharmacist, under the supervision of Respondent Kolta, at Respondent Del's Pharmacy I between
18 March 1, 2015 to March 31, 2016 without a valid intern pharmacist license.

19 *As to Respondent Del's Pharmacy- Unlicensed Activity*

20 **FIRST CAUSE FOR DISCIPLINE**

21 (Unlicensed Activity)

22 14. Respondent Del's Pharmacy I is subject to disciplinary action under Code section
23 4114(a) in that Respondent Makar performed the functions of an intern pharmacist at Respondent
24 Del's Pharmacy I when her license was expired and whose license was not in good standing with
25 the Board between March 1, 2015 to March 31, 2016.

26 ///

27 ///

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Pharmacist-In-Charge Responsibilities)

3 15. Respondent Noha Wasfi Benyam Kolta is subject to disciplinary action under Code
4 section 4113(c) in that between March 1, 2015 and March 31, 2016, while under the supervision
5 of Respondent Kolta, Respondent Makar performed the duties of an intern pharmacist at
6 Respondent Del's Pharmacy I without a valid intern pharmacist license.

7 **THIRD CAUSE FOR DISCIPLINE**

8 (Intern Pharmacist: Activities Permitted)

9 16. Respondent Sara Attef Makar is subject to disciplinary action under Code section
10 4114(a) in that Respondent Makar provided an experience affidavit which indicated she
11 performed the duties of an intern pharmacist at Respondent Del's Pharmacy I between March 1,
12 2015 and March 31, 2016 without a valid intern pharmacist license.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct)

15 17. Respondent Sara Attef Makar is subject to disciplinary action under Code section
16 4301(g) in that on or about December 18, 2018 Respondent Makar signed an experience affidavit
17 under penalty of perjury indicating that she performed the duties of an intern pharmacist at
18 Respondent Del's Pharmacy I between March 1, 2015 and March 31, 2016 without a valid intern
19 pharmacist license.

20 **DISCIPLINARY CONSIDERATIONS**

21 18. To determine the degree of discipline, if any, to be imposed on Respondent Del's
22 Pharmacy I and Respondent Kolta, Complainant alleges that:

23 a. Respondent Del's Pharmacy I was issued citation no. CI 2013 61076 in the amount of
24 \$5000 for violating Code section 4115(f)(1) and 4115.5(b)(4). The citation and fine has been paid
25 in full.

26 b. Respondent Del's Pharmacy I was issued citation no. CI 2014 64930 in the amount of
27 \$1000 for violating California Code of Regulations, title 16, section 1716 and 1761 and
28 1707.1(a)(1)(B)(2). The citation and fine has been paid in full.

1 c. Respondent Kolta was issued citation no. CI 2015 66617 in the amount of \$5000 for
2 violating Code section 4115(f)(1) and 4115.5(b)(4). The citation and fine has been paid in full.

3 d. Respondent Kolta was issued citation no. CI 2015 67407 in the amount of \$2000 for
4 violating California Code of Regulations, title 16, section 1707.1(a)(1)(B)(2). The citation and
5 fine has been paid in full.

6 **PRAYER**

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

9 1. Revoking or suspending Pharmacy Permit Number PHY 50935, issued to Mari-Mina
10 Pharmaceuticals Inc., dba Del's Pharmacy I, Sameh Sobhy Rokes;

11 2. Revoking or suspending Pharmacist License Number RPH 59346, issued to Noha
12 Wasfi Benyam Kolta;

13 3. Revoking or suspending Pharmacy Technician Registration Number TCH 130629,
14 issued to Sara Attef Makar;

15 4. Revoking or suspending Intern Pharmacist Registration Number INT 25924, issued to
16 Sara Attef Makar;

17 5. Ordering Del's Pharmacy I, Noha Wasfi Benyam Kolta and Sara Attef Makar to pay
18 the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
19 pursuant to Business and Professions Code section 125.3; and,

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

21
22 DATED: February 28, 2020



23 ANNE SODERGREN
24 Executive Officer
25 Board of Pharmacy
26 Department of Consumer Affairs
27 State of California
28 *Complainant*

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