

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

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

**LEANNE E. PALMER,  
Pharmacy Technician Registration No. TCH 61787;**

**and**

**PMQ GROUP, LLC AND PMQ INVESTOR, LLC dba  
GVHC PMQ FS PHARMACY; CHRISTOPHER NEE, CEO, PRESIDENT,  
DIRECTOR AND SHAREHOLDER; THE DANIEL S. SAIKAMI  
IRREVOCABLE GIFTING TRUST, SHAREHOLDER; THE KELSEY A.  
SAIKAMI IRREVOCABLE GIFTING TRUST, SHAREHOLDER;  
KINDERHOOK CAPITAL FUND V LP, SHAREHOLDER; KINDERHOOK  
CAPITAL FUND V-B LP, SHAREHOLDER; THE ACN TRUST,  
SHAREHOLDER; THE WJN TRUST, SHAREHOLDER; MATTHEW  
DAVID BUBIS, VICE PRESIDENT, SECRETARY, DIRECTOR; DUANE  
SATOSHI SAIKAMI, CHIEF OPERATING OFFICER, VICE-PRESIDENT,  
SECRETARY, TREASURER/CHIEF FINANCIAL OFFICER, DIRECTOR  
AND SHAREHOLDER,  
Pharmacy Permit No. PHY 57228;**

**and**

**PMQ GROUP, LLC AND PMQ INVESTOR, LLC dba  
GVHC PMQ WEST MODESTO; CHRISTOPHER NEE, CEO,  
PRESIDENT, DIRECTOR AND SHAREHOLDER; THE DANIEL S.  
SAIKAMI IRREVOCABLE GIFTING TRUST, SHAREHOLDER; THE  
KELSEY A. SAIKAMI IRREVOCABLE GIFTING TRUST, SHAREHOLDER;  
KINDERHOOK CAPITAL FUND V LP, SHAREHOLDER; KINDERHOOK  
CAPITAL FUND V-B LP, SHAREHOLDER; THE ACN TRUST,  
SHAREHOLDER; THE WJN TRUST, SHAREHOLDER; MATTHEW  
DAVID BUBIS, VICE PRESIDENT, SECRETARY, DIRECTOR; DUANE  
SATOSHI SAIKANI, CHIEF OPERATING OFFICER, VICE-PRESIDENT,  
SECRETARY, TREASURER/CHIEF FINANCIAL OFFICER, AND  
SHAREHOLDER,  
Pharmacy Permit No. PHY 57229;**

**and**

**ANKIT PARIKH,  
Pharmacist License No. RPH 66328,**

**Respondents**

**Agency Case No. 6912**

## 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 June 16, 2021.

It is so ORDERED on May 17, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

Greg Lippe  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 KAREN R. DENVER  
Supervising Deputy Attorney General  
3 KATELYN E. DOCHERTY  
Deputy Attorney General  
4 State Bar No. 322028  
1300 I Street, Suite 125  
5 P.O. Box 944255  
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6 Telephone: (916) 210-6277  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **LEANNE E. FARMER**  
14 **2766 Portola Way**  
**Merced, CA 95348**

15 **Pharmacy Technician Registration No. TCH**  
16 **61787,**

17 **PMQ GROUP, LLC AND PMQ INVESTOR,**  
18 **LLC DBA GVHC PMQ FS PHARMACY**  
19 **CHRISTOPHER NEE, CEO, President, Director**  
20 **and Shareholder,**  
21 **THE DANIEL S. SAIKAMI IRREVOCABLE**  
22 **GIFTING TRUST, Shareholder**  
23 **THE KELSEY A. SAIKAMI IRREVOCABLE**  
24 **GIFTING TRUST, Shareholder**  
25 **KINDERHOOK CAPITAL FUND V LP,**  
26 **Shareholder**  
27 **KINDERHOOK CAPITAL FUND V-B LP,**  
28 **Shareholder**  
**THE ACN TRUST, Shareholder**  
**THE WJN TRUST, Shareholder**  
**MATTHEW DAVID BUBIS, Vice President,**  
**Secretary, Director**  
**DUANE SATOSHI SAIKAMI, Chief Operating**  
**Officer, Vice-President, Secretary,**  
**Treasurer/Chief Financial Officer, Director and**  
**Shareholder**  
**1510 Florida Ave., Suite E**  
**Modesto, CA 95350**

**Pharmacy Permit No. PHY 57228,**

Case No. 6912

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER FOR**  
**PUBLIC REPROVAL AS TO PMQ**  
**WEST MODESTO PHARMACY**  
**ONLY**

[Bus. & Prof. Code § 495]

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**and**

**PMQ GROUP, LLC AND PMQ INVESTOR, LLC, DBA GVHC PMQ WEST MODESTO, CHRISTOPHER NEE, CEO, President, Director, and Shareholder  
THE DANIEL S. SAIKAMI IRREVOCABLE GIFTING TRUST, Shareholder  
THE KELSEY A. SAIKAMI IRREVOCABLE GIFTING TRUST, Shareholder  
KINDERHOOK CAPITAL FUND V LP, Shareholder  
KINDERHOOK CAPITAL FUND V-B LP, Shareholder  
THE ACN TRUST, Shareholder  
THE WJN TRUST, Shareholder  
MATTHEW DAVID BUBIS, Vice President, Secretary, Director  
DUANE SATOSHI SAIKANI, Chief Operating Officer, Vice-President, Secretary, Treasurer/Chief Financial Officer, and Shareholder  
1114 6th Street, Suite A  
Modesto, CA 95354**

**Pharmacy Permit No. PHY 57229**

**ANKIT PARIKH  
650 W. Vermont Ave.,  
Anaheim, CA 92805  
Pharmacist License No. RPH 66328**

Respondents.

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

**PARTIES**

1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy (Board). She brought this action solely in her official capacity and is represented in this matter by Xavier Becerra, Attorney General of the State of California, by Katelyn E. Docherty, Deputy Attorney General.

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1 Director, and 2% shareholder. The Pharmacy Permit was in full force and effect at all times  
2 relevant to the charges brought herein and will expire on April 1, 2021, unless renewed.

3 6. On or about October 17, 2011, the Board issued Pharmacist License Number RPH  
4 66328 to Ankit Parikh (Respondent Parikh). The Pharmacist License was in full force and effect  
5 at all times relevant to the charges brought herein and will expire on December 31, 2020, unless  
6 renewed.

7 7. Accusation No. 6912 was filed before the Board<sup>1</sup>, and is currently pending against  
8 Respondent. The Accusation and all other statutorily required documents were properly served  
9 on Respondent on September 17, 2020. Respondent timely filed her Notice of Defense contesting  
10 the Accusation. A copy of Accusation No. 6912 is attached as exhibit A and incorporated herein  
11 by reference.

### 12 **ADVISEMENT AND WAIVERS**

13 8. Respondent has carefully read, fully discussed with counsel, and understands the  
14 charges and allegations in Accusation No. 6912. Respondent has also carefully read, fully  
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
16 Order for Public Repeval.

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

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

### 26 **CULPABILITY**

27 \_\_\_\_\_  
28 <sup>1</sup> The pending Accusation against all other named Respondents are being resolved by stipulated settlement and administrative hearing.



1 supplemented, or otherwise changed except by a writing executed by an authorized representative  
2 of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 57229 issued to Respondent  
8 West Modesto shall be publicly reprovved by the Board of Pharmacy under Business and  
9 Professions Code section 495 in resolution of Accusation No. 6912, attached as exhibit A.

10 **Cost Recovery.** No later than 1 year from the effective date of the Decision, Respondent  
11 West Modesto shall pay \$3,465 to the Board for its costs associated with the investigation and  
12 enforcement of this matter pursuant to Business and Professions Code Section 125.3. If  
13 Respondent West Modesto fails to pay the Board costs as ordered, Respondent West Modesto  
14 shall not be allowed to renew their Pharmacy Permit until Respondent West Modesto pays costs  
15 in full. In addition, the Board may enforce this order for payment of its costs in any appropriate  
16 court, in addition to any other rights the Board may have.

17 **Full Compliance.** As a resolution of the charges in Accusation No. 6912, this stipulated  
18 settlement is contingent upon Respondent West Modesto's full compliance with all conditions of  
19 this Order. If Respondent West Modesto fails to satisfy any of these conditions, such failure to  
20 comply constitutes cause for discipline, including outright revocation, of Respondent West  
21 Modesto's Pharmacy Permit No. PHY 57229.

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**ACCEPTANCE**

I Michael Yount, General Counsel and Chief Compliance Officer of PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto Pharmacy have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney, Jonathan Klein. I have authority to enter into settlement agreements on behalf of PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto Pharmacy. I understand the stipulation and the effect it will have on our Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto Pharmacy will be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_  
Michael Yount, General Counsel and Chief  
Compliance Officer *on behalf of*  
PMQ Group, LLC and PMQ Investor, LLC dba  
GVHC PMQ West Modesto  
*Respondent*

I have read and fully discussed with Respondent PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

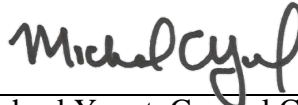
DATED: \_\_\_\_\_  
JONATHAN KLEIN  
*Attorney for Respondent*

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ACCEPTANCE

I Michael Yount, General Counsel and Chief Compliance Officer of PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto Pharmacy have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reapproval and have fully discussed it with my attorney, Jonathan Klein. I have authority to enter into settlement agreements on behalf of PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto Pharmacy. I understand the stipulation and the effect it will have on our Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order for Public Reapproval voluntarily, knowingly, and intelligently, and agree PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto Pharmacy will be bound by the Decision and Order of the Board of Pharmacy.

DATED: March 15, 2021



\_\_\_\_\_  
Michael Yount, General Counsel and Chief  
Compliance Officer *on behalf of*  
PMQ Group, LLC and PMQ Investor, LLC dba  
GVHC PMQ West Modesto  
*Respondent*

I have read and fully discussed with Respondent PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ West Modesto the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reapproval. I approve its form and content.

DATED: March 16, 2021



\_\_\_\_\_  
JONATHAN KLEIN  
*Attorney for Respondent*

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**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval 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  
KAREN R. DENVIR  
Supervising Deputy Attorney General

KATELYN E. DOCHERTY  
Deputy Attorney General  
*Attorneys for Complainant*

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**ENDORSEMENT**

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

DATED: March 16, 2021

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
KAREN R. DENVIR  
Supervising Deputy Attorney General



KATELYN E. DOCHERTY  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6912**

1 XAVIER BECERRA  
Attorney General of California  
2 KAREN R. DENVER  
Supervising Deputy Attorney General  
3 KATELYN E. DOCHERTY  
Deputy Attorney General  
4 State Bar No. 322028  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7886  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

8  
9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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Case No. 6912

13 **LEANNE E. FARMER**  
14 **2766 Portola Way**  
**Merced, CA 95348**

**ACCUSATION**

15 **Pharmacy Technician Registration No. TCH**  
16 **61787,**

17 **PMQ GROUP, LLC AND PMQ INVESTOR,**  
**LLC DBA GVHC PMQ FS PHARMACY**  
18 **CHRISTOPHER NEE, CEO, President,**  
**Director and Shareholder,**  
19 **THE DANIEL S. SAIKAMI IRREVOCABLE**  
**GIFTING TRUST, Shareholder**  
20 **THE KELSEY A. SAIKAMI IRREVOCABLE**  
**GIFTING TRUST, Shareholder**  
21 **KINDERHOOK CAPITAL FUND V LP,**  
**Shareholder KINDERHOOK CAPITAL FUND**  
22 **V-B LP, Shareholder**  
**THE ACN TRUST, Shareholder**  
23 **THE WJN TRUST, Shareholder**  
**MATTHEW DAVID BUBIS, Vice President,**  
24 **Secretary, Director**  
**DUANE SATOSHI SAIKAMI, Chief Operating**  
25 **Officer, Vice-President, Secretary,**  
**Treasurer/Chief Financial Officer, Director and**  
26 **Shareholder**  
**1510 Florida Ave., Suite E**  
27 **Modesto, CA 95350**

28 **Pharmacy Permit No. PHY 57228,**

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**and**

**PMQ GROUP, LLC AND PMQ INVESTOR, LLC, DBA GVHC PMQ WEST MODESTO, CHRISTOPHER NEE, CEO, President, Director, and Shareholder  
THE DANIEL S. SAIKAMI IRREVOCABLE GIFTING TRUST, Shareholder  
THE KELSEY A. SAIKAMI IRREVOCABLE GIFTING TRUST, Shareholder  
KINDERHOOK CAPITAL FUND V LP, Shareholder KINDERHOOK CAPITAL FUND V-B LP, Shareholder  
THE ACN TRUST, Shareholder  
THE WJN TRUST, Shareholder  
MATTHEW DAVID BUBIS, Vice President, Secretary, Director  
DUANE SATOSHI SAIKANI, Chief Operating Officer, Vice-President, Secretary, Treasurer/Chief Financial Officer, and Shareholder  
1114 6th Street, Suite A  
Modesto, CA 95354**

**Pharmacy Permit No. PHY 57229**

**ANKIT PARIKH  
650 W. Vermont Ave.,  
Anaheim, CA 92805**

**Pharmacist License No. RPH 66328**

Respondents.

**PARTIES**

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

2. On or about March 29, 2005, the Board issued Pharmacy Technician Registration Number TCH 61787 to Leanne E. Farmer (Respondent Farmer). The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2021, unless renewed.

1           3.     On or about April 26, 2019, the Board issued Pharmacy Permit Number PHY 57228  
2 to PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ FS Pharmacy (Respondent FS  
3 Pharmacy). At all times relevant to the charges brought herein, Christopher Nee, was Chief  
4 Executive Officer, 3% Shareholder, President, and Director, The Daniel S. Saikami Irrevocable  
5 Gifting Trust and The Kelsey A. Saikami Irrevocable Gifting Trust were 10 % shareholders,  
6 Kinderhook Capital Fund V LP was a 31% Shareholder, Kinderhook Capital Fund V-B LP was a  
7 23% shareholder, The ACN Trust and the WJN Trust were 9% shareholders, Matthew David  
8 Bubis was Vice-President, Secretary, and Director, and Duane Satoshi Saikami was Chief  
9 Operating Officer, Vice-President, Secretary, Treasurer/Chief Financial Officer, Director, and 2%  
10 shareholder. The Pharmacy Permit was in full force and effect at all times relevant to the charges  
11 brought herein and will expire on April 1, 2021, unless renewed.

12           4.     On or about April 26, 2019, the Board issued Pharmacy Permit Number PHY 57229  
13 to PMQ Group, LLC and PMQ Investor, LLC, dba GVHC PMQ West Modesto, (Respondent  
14 West Modesto Pharmacy). At all times relevant to the charges brought herein, Christopher Nee,  
15 was Chief Executive Officer, 3% Shareholder, President, and Director, The Daniel S. Saikami  
16 Irrevocable Gifting Trust and The Kelsey A. Saikami Irrevocable Gifting Trust were 10 %  
17 shareholders, Kinderhook Capital Fund V LP was a 31% Shareholder, Kinderhook Capital Fund  
18 V-B LP was a 23% shareholder, The ACN Trust and the WJN Trust were 9% shareholders, and  
19 Matthew David Bubis was Vice-President, Secretary, and Director and Duane Satoshi Saikami  
20 was Chief Operating Officer, Vice-President, Secretary, Treasurer/Chief Financial Officer,  
21 Director, and 2% shareholder. The Pharmacy Permit was in full force and effect at all times  
22 relevant to the charges brought herein and will expire on April 1, 2021, unless renewed.

23           5.     On or about October 17, 2011, the Board issued Pharmacist License Number RPH  
24 66328 to Ankit Parikh (Respondent Parikh). The Pharmacist License was in full force and effect  
25 at all times relevant to the charges brought herein and will expire on December 31, 2020, unless  
26 renewed.

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28 ///

1 **JURISDICTION**

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

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

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

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

10 (1) Suspending judgment.

11 (2) Placing him or her upon probation.

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

13 (4) Revoking his or her license.

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

16 ...

17 **STATUTORY PROVISIONS**

18 8. Section 4022 of the Code states  
19 Dangerous drug or dangerous device means any drug or device unsafe for  
20 self-use in humans or animals, and includes the following:

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

23 (b) Any device that bears the statement: Caution: federal law restricts this  
24 device to sale by or on the order of a \_\_\_\_\_, Rx only, or words of similar  
25 import, the blank to be filled in with the designation of the practitioner licensed to use  
26 or order use of the device.

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

9. Section 4113 of the Code states, in pertinent part:

...  
4

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

4 . . . .

5 10. Section 4301 of the Code states, in pertinent part:

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

9 . . .

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

12 . . .

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

18 . . .

19 11. Section 4307 of the Code states:

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

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

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

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

(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

1 of this section, and where the person has been given notice of the proceeding as  
2 required by Chapter 5 (commencing with Section 11500 ) of Part 1 of Division 3 of  
3 the Government Code. The authority to proceed as provided by this subdivision  
4 shall be in addition to the board's authority to proceed under Section 4339 or any  
5 other provision of law.

6 12. Section 4327 of the Code states:

7 Any person who, while on duty, sells, dispenses or compounds any drug  
8 while under the influence of any dangerous drug or alcoholic beverages shall be  
9 guilty of a misdemeanor.

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

11 ...

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

16 ...

### 17 COST RECOVERY

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

### 22 DEFINITIONS

23 15. "Ultram" (generic name—tramadol) is a Schedule IV controlled substance used to  
24 treat pain.

25 16. "Acetaminophen-codeine" (generic name—Tylenol with codeine) is a Schedule III  
26 controlled substance used to treat pain.

27 17. "Lorazepam" (generic name—Ativan) is a Schedule IV controlled substance used to  
28 treat anxiety.

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**FACTUAL ALLEGATIONS**

18. At all times relevant Respondent Farmer was employed as a pharmacy technician at Respondent FS Pharmacy located at 1510 Florida Ave, Ste E in Modesto, California, and Respondent West Modesto Pharmacy, located at 114 6<sup>th</sup> St, Ste A in Modesto, California.

**Respondent West Modesto Pharmacy**

19. On or about September 5, 2019, Respondent Farmer reported for work at Respondent West Modesto Pharmacy in the morning.

20. V.C., pharmacist-in-charge, noticed Respondent Farmer exhibit signs of impairment such as slurred speech, self-talk, and slow movement while working. V.C. observed Respondent Farmer selling a prescription to the public without registering the transaction. As a result V.C. sent Respondent Farmer home for the day.

21. Upon being sent home from Respondent West Modesto Pharmacy, Respondent texted Respondent Parikh, District Manager of Respondent West Modesto Pharmacy and Respondent FS Pharmacy, stating “Are you still in the Modesto area? I would like to have a short meeting with you. Why they are sending me home...saying I’m not myself. I feel wonderful today.” Upon receiving this text message Respondent Parikh sent Respondent Farmer to Respondent FS Pharmacy to be reevaluated by another pharmacist. Respondent Parikh did not notify the pharmacist-in-charge at Respondent FS Pharmacy of the concerns regarding Respondent Farmer.

**Respondent FS Pharmacy**

22. On or about September 5, 2019, Respondent Farmer after leaving Respondent West Modesto Pharmacy was told by district manager, Ankit Parikah to report to Respondent FS Pharmacy to work the rest of the day. Respondent arrived at Respondent FS Pharmacy around 10:30 am. Upon arrival at Respondent FS Pharmacy, pharmacist-in-charge Safarmehdi, noticed Respondent Farmer was pale, and speaking slowly, and slurring her words. Respondent Farmer, had informed pharmacist-in-charge Safarmehdi that she had been sent home from Respondent West Modesto Pharmacy.

23. Respondent Farmer was asked to dust the shelves at Respondent West Modesto Pharmacy. Pharmacist-in-charge observed Respondent Farmer quickly move from one end of the

1 shelves to the middle aisle and kneel to dust the bottom shelf. Respondent Farmer, then informed  
2 pharmacist-in-charge Safarmehdi that she popped her knee, and went to the bathroom.

3 24. Immediately after Respondent Farmer, got up to go to the bathroom, a staff member  
4 at Respondent FS Pharmacy noticed that a tramadol 50 mg container was missing from the shelf  
5 where Respondent Farmer had been dusting.

6 25. Pharmacist-in-charge Safarmehdi, asked Respondent Farmer about the missing  
7 tramadol container and Respondent Farmer stated she could not find it.

8 26. Respondent Farmer went to the restroom a few more times, and kept the water  
9 running in the restroom, while vomiting.

10 27. On or around 11:48 a.m. pharmacist-in-charge Safarmehdi decided to send  
11 Respondent Farmer home.

12 28. Immediately after pharmacist-in-charge Safarmehdi informed Respondent Parikh, that  
13 Respondent Farmer had been sent home, and informed him of the missing tramadol.

14 **Respondent Farmer**

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct—Impairment on Duty)**

17 29. Respondent Farmer is subject to disciplinary action under Code section 4301,  
18 subdivisions (j) and (o), in conjunction with Code section 4327, in that she sold and/or dispensed  
19 drugs while under the influence of dangerous drugs. Complainant realleges paragraphs 18  
20 through 27.

21 **Respondent West Modesto Pharmacy**

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Violation of Pharmacy Law: Operational Standards and Security)**

24 30. Respondent West Modesto Pharmacy is subject to disciplinary action under section  
25 4301, subdivision (o), in conjunction with section California Code of Regulations, title 16,  
26 section 1714, subdivision (b), in that Respondent failed to maintain it's facilities, space, fixtures,  
27 and equipment such that drugs were safely and properly prepared, maintained, secured, and  
28 distributed. For the period May 10, 2019 to September 16, 2019, Respondent West Modesto

1 Pharmacy could not account for significant inventory shortages of approximately 90 tablets of  
2 acetaminophen/codeine 300-30 mg, 71 tablets of lorazepam 1mg, and 119 tablets of tramadol 50  
3 mg. Complainant refers to, and by this reference incorporates the allegations set forth above in  
4 paragraphs 18 through 20, inclusive, as though set forth fully herein.

5 **Respondent FS Pharmacy**

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Violation of Pharmacy Law: Operational Standards and Security)**

8 33. Respondent FS Pharmacy is subject to disciplinary action under section 4301,  
9 subdivision (o), in conjunction with section California Code of Regulations, title 16, section  
10 1714, subdivision (b), in that Respondents failed to maintain Respondent FS Pharmacy facilities,  
11 space, fixtures, and equipment such that drugs were safely and properly prepared, maintained,  
12 secured, and distributed. For the period July 16, 2019, to October 2, 2019 Respondent FS  
13 Pharmacy not account for significant inventory shortage of approximately 95 tablets of tramadol  
14 50 mg. Complainant refers to, and by this reference incorporates the allegations set forth above  
15 in paragraphs 21 through 27, inclusive, as though set forth fully herein.

16 **Respondent Parikh**

17 **FOURTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 34. Respondent Parikh is subject to disciplinary action under Code section 4301, in that  
20 Respondent Parikh put the public at risk when he told Respondent Farmer to drive to another  
21 pharmacy to work without further evaluation after being informed of Respondent Farmer's  
22 possible impairment. Complainant realleges paragraphs 18 through 27.

23 **DISCIPLINE CONSIDERATIONS**

24 35. To determine the degree of discipline, if any, to be imposed on Respondent Leanne E.  
25 Farmer, Complainant alleges that on or about August 28, 2019, in a prior action, the Board of  
26 Pharmacy issued Citation Number CI 2017 79056 and ordered Respondent Farmer to pay a civil  
27 penalty of \$500.00. Respondent Farmer was issued a citation for violating Business and  
28

1 Professions Code section 4301, subdivision (l), for being convicted of a crime substantially  
2 related to the qualifications, functions, and duties of a licensee. That Citation is now final.

3 **OTHER MATTERS**

4 36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
5 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
6 Pharmacy, then Kinderhook Capital Fund VLP, shareholder, shall be prohibited from serving as a  
7 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
8 five years if Pharmacy Permit Number PHY 57228 is placed on probation or until Pharmacy  
9 Permit Number PHY 57228 is reinstated if it is revoked.

10 37. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
11 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
12 Pharmacy, then Kinderhook Capital Fund V-B LP, shareholder, shall be prohibited from serving  
13 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
14 for five years if Pharmacy Permit Number PHY 57228 is placed on probation or until Pharmacy  
15 Permit Number PHY 57228 is reinstated if it is revoked.

16 ///

17 38. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
18 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
19 Pharmacy, then The Daniel S. Saikami Irrevocable Trust, shareholder, shall be prohibited from  
20 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
21 licensee for five years if Pharmacy Permit Number PHY 57228 is placed on probation or until  
22 Pharmacy Permit Number PHY 57228 is reinstated if it is revoked.

23 39. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
24 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
25 Pharmacy, then The Kelsey A. Saikami Irrevocable Trust, shareholder, shall be prohibited from  
26 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
27 licensee for five years if Pharmacy Permit Number PHY 57228 is placed on probation or until  
28 Pharmacy Permit Number PHY 57228 is reinstated if it is revoked.

1           40. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
2 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
3 Pharmacy, then The ACN Trust, shareholder, shall be prohibited from serving as a manager,  
4 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
5 Pharmacy Permit Number PHY 57228 is placed on probation or until Pharmacy Permit Number  
6 PHY 57228 is reinstated if it is revoked.

7           41. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
8 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
9 Pharmacy, then The WJN Trust, shareholder, shall be prohibited from serving as a manager,  
10 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
11 Pharmacy Permit Number PHY 57228 is placed on probation or until Pharmacy Permit Number  
12 PHY 57228 is reinstated if it is revoked.

13           42. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
14 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
15 Pharmacy, then Christopher Nee, Chief Executive Officer, Shareholder, President, and Director,  
16 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,  
17 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 57228 is placed  
18 on probation or until Pharmacy Permit Number PHY 57228 is reinstated if it is revoked.

19           43. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
20 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
21 Pharmacy, then Matthew Bubis, Vice-President, Secretary, Director, shall be prohibited from  
22 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
23 licensee for five years if Pharmacy Permit Number PHY 57228 is placed on probation or until  
24 Pharmacy Permit Number PHY 57228 is reinstated if it is revoked.

25           44. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
26 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
27 Pharmacy, then Duane Satoshi Salkami, Chief Operating Officer, Shareholder, Vice-President,  
28 Secretary, Treasurer/Chief Financial Officer, and Director, shall be prohibited from serving as a

1 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
2 five years if Pharmacy Permit Number PHY 57228 is placed on probation or until Pharmacy  
3 Permit Number PHY 57228 is reinstated if it is revoked.

4 45. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
5 57228 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ FS  
6 Pharmacy while Ankit Parikh has been an owner or manager and had knowledge of or knowingly  
7 participated in any conduct for which the licensee was disciplined, Ankit Parikh shall be  
8 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
9 or partner of a licensee for five years if Pharmacy Permit Number PHY 57228 is placed on  
10 probation or until Pharmacy Permit Number PHY 57228 is reinstated if it is revoked.

11 46. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
12 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
13 Modesto Pharmacy, then Kinderhook Capital Fund VLP, shareholder, shall be prohibited from  
14 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
15 licensee for five years if Pharmacy Permit Number PHY 57229 is placed on probation or until  
16 Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

17 47. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
18 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
19 Modesto Pharmacy, then Kinderhook Capital Fund V-B LP, shareholder, shall be prohibited from  
20 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
21 licensee for five years if Pharmacy Permit Number PHY 57229 is placed on probation or until  
22 Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

23 48. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
24 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
25 Modesto Pharmacy, then The Daniel S. Saikami Irrevocable Trust, shareholder, shall be  
26 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
27 or partner of a licensee for five years if Pharmacy Permit Number PHY 57229 is placed on  
28 probation or until Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

1           49. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
2 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
3 Modesto Pharmacy, then The Kelsey A. Saikami Irrevocable Trust, shareholder, shall be  
4 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
5 or partner of a licensee for five years if Pharmacy Permit Number PHY 57229 is placed on  
6 probation or until Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

7           50. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
8 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
9 Modesto Pharmacy, then The ACN Trust, shareholder, shall be prohibited from serving as a  
10 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
11 five years if Pharmacy Permit Number PHY 57229 is placed on probation or until Pharmacy  
12 Permit Number PHY 57229 is reinstated if it is revoked.

13           51. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
14 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
15 Modesto Pharmacy, then The WJN Trust, shareholder, shall be prohibited from serving as a  
16 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
17 five years if Pharmacy Permit Number PHY 57229 is placed on probation or until Pharmacy  
18 Permit Number PHY 57229 is reinstated if it is revoked.

19           52. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
20 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
21 Modesto Pharmacy, then Christopher Nee shall be prohibited from serving as a manager,  
22 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
23 Pharmacy Permit Number PHY 57229 is placed on probation or until Pharmacy Permit Number  
24 PHY 57229 is reinstated if it is revoked.

25           53. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
26 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
27 Modesto Pharmacy, then Duane Satoshi Saikami, Chief Operating Officer, Shareholder, Vice-  
28 President, Secretary, Treasurer/Chief Financial Officer, and Director, shall be prohibited from

1 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
2 licensee for five years if Pharmacy Permit Number PHY 57229 is placed on probation or until  
3 Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

4 54. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
5 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
6 Modesto Pharmacy, then Matthew Bubis, Vice-President, Secretary, and Director, shall be  
7 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
8 or partner of a licensee for five years if Pharmacy Permit Number PHY 57229 is placed on  
9 probation or until Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

10 55. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY  
11 57229 issued to PMQ Group LLC and PMQ Investor LLC, doing business as GVHC PMQ West  
12 Modesto Pharmacy while Ankit Parikh has been an owner or manager and had knowledge of or  
13 knowingly participated in any conduct for which the licensee was disciplined, Ankit Parikh shall  
14 be prohibited from serving as a manager, administrator, owner, member, officer, director,  
15 associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 57229 is placed  
16 on probation or until Pharmacy Permit Number PHY 57229 is reinstated if it is revoked.

17 **PRAYER**

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

20 1. Revoking or suspending Pharmacy Technician Registration Number TCH 61787,  
21 issued to Leanne E. Farmer;

22 2. Revoking or suspending Pharmacy Permit Number PHY 57228, issued to PMQ  
23 Group, LLC and PMQ Investor, LLC dba GVHC PMQ FS Pharmacy;

24 3. Revoking or suspending Pharmacy Permit Number PHY 57229, issued to PMQ  
25 Group, LLC and PMQ Investor, LLC, dba BVHC PMQ West Modesto;

26 4. Prohibiting Kinderhook Capital Fund V LP from serving as a manager, administrator,  
27 owner, member, officer, director, associate, partner, or in any other position with management or  
28 control of any Pharmacy licensee;

1           5.     Prohibiting Kinderhook Capital Fund V-B LP from serving as a manager,  
2 administrator, owner, member, officer, director, associate, partner, or in any other position with  
3 management or control of any Pharmacy licensee;

4           6.     Prohibiting The Daniel S. Saikami Irrevocable Trust from serving as a manager,  
5 administrator, owner, member, officer, director, associate, partner, or in any other position with  
6 management or control of any Pharmacy licensee;

7           7.     Prohibiting The Kelsey A. Saikami Irrevocable Trust from serving as a manager,  
8 administrator, owner, member, officer, director, associate, partner, or in any other position with  
9 management or control of any Pharmacy licensee;

10          8.     Prohibiting The ACN Trust from serving as a manager, administrator, owner,  
11 member, officer, director, associate, partner, or in any other position with management or control  
12 of any Pharmacy licensee;

13          9.     Prohibiting The WJN Trust from serving as a manager, administrator, owner,  
14 member, officer, director, associate, partner, or in any other position with management or control  
15 of any Pharmacy licensee;

16          10.    Prohibiting Christopher Nee from serving as a manager, administrator, owner,  
17 member, officer, director, associate, partner, or in any other position with management or control  
18 of any Pharmacy licensee;

19          11.    Prohibiting Duane Satoshi Saikami from serving as a manager, administrator, owner,  
20 member, officer, director, associate, partner, or in any other position with management or control  
21 of any Pharmacy licensee;

22          12.    Prohibiting Mathew Bubis from serving as a manager, administrator, owner, member,  
23 officer, director, associate, partner, or in any other position with management or control of any  
24 Pharmacy licensee;

25          13.    Prohibiting Ankit Parikh from serving as a manager, administrator, owner, member,  
26 officer, director, associate, partner, or in any other position with management or control of any  
27 Pharmacy licensee;

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14. Revoking or suspending Pharmacist License Number RPH 66328, issued to Ankit Parikh;

15. Ordering Leanne E. Farmer, PMQ Group, LLC and PMQ Investor, LLC dba GVHC PMQ FS Pharmacy, PMQ Group, LLC and PMQ Investor, LLC, dba BVHC PMQ West Modesto, and Ankit Parikh, to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 9/11/2020

*Anne Sodergren*

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

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