

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6912

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

DEFAULT DECISION AND ORDER
(FOR RESPONDENT FARMER
ONLY)

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

[Gov. Code, §11520]

17 **PMQ GROUP, LLC AND PMQ INVESTOR,**
18 **LLC DBA GVHC PMQ FS PHARMACY**
19 **CHRISTOPHER NEE, CEO, President,**
20 **Director 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,

1

1 **and**

2 **PMQ GROUP, LLC AND PMQ INVESTOR,**
3 **LLC, DBA GVHC PMQ WEST MODESTO,**
4 **CHRISTOPHER NEE, CEO, President,**
5 **Director, and Shareholder**
6 **THE DANIEL S. SAIKAMI IRREVOCABLE**
7 **GIFTING TRUST, Shareholder**
8 **THE KELSEY A. SAIKAMI IRREVOCABLE**
9 **GIFTING TRUST, Shareholder**
10 **KINDERHOOK CAPITAL FUND V LP,**
11 **Shareholder**
12 **KINDERHOOK CAPITAL FUND V-B LP,**
13 **Shareholder**
14 **THE ACN TRUST, Shareholder**
15 **THE WJN TRUST, Shareholder**
16 **MATTHEW DAVID BUBIS, Vice President,**
17 **Secretary, Director**
18 **DUANE SATOSHI SAIKANI, Chief Operating**
19 **Officer, Vice-President, Secretary,**
20 **Treasurer/Chief Financial Officer, and**
21 **Shareholder**
22 **1114 6th Street, Suite A**
23 **Modesto, CA 95354**

24 **Pharmacy Permit No. PHY 57229**
25 **ANKIT PARIKH**
26 **650 W. Vermont Ave.,**
27 **Anaheim, CA 92805**
28 **Pharmacist License No. RPH 66328**

Respondents.

FINDINGS OF FACT

1 1. On or about September 11, 2020, Complainant Anne Sodergren, in her official
2 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
3 filed Accusation No. 6912 against Leanne E. Farmer (Respondent) before the Board of Pharmacy.
4 (Accusation attached as Exhibit A.)

5 2. On or about March 29, 2005, the Board issued Pharmacy Technician Registration
6 Number TCH 61787 to Leanne E. Farmer (Respondent Farmer). The Pharmacy Technician
7 Registration was in full force and effect at all times relevant to the charges brought herein and
8 expired on February 28, 2021, and has not been 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, 2022 unless
26 renewed.

27 ///

28 ///.

6. On or about September 17, 2020, Respondent Farmer was served by Certified and First Class Mail copies of the Accusation No. 6912, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is: 2766 Portola Way, Merced, CA 95348.

7. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505(c) and/or Business and Professions Code section 124.

8. Government Code section 11506(c) states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

9. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 6912.

10. California Government Code section 11520(a) states, in pertinent part:

(a) If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent

11. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 6912, finds that the charges and allegations in Accusation No. 6912, are separately and severally, found to be true and correct by clear and convincing evidence.

12. The Board finds that the actual costs for Investigation and Enforcement are \$1,611.25 for Respondent Farmer as of April 8, 2021. 4

1 **DETERMINATION OF ISSUES**

2 1. Based on the foregoing findings of fact, Respondent Leanne E. Farmer has subjected
3 her Pharmacy Technician Registration No. TCH 61787 to discipline.

4 2. The agency has jurisdiction to adjudicate this case by default.

5 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician
6 Registration based upon the following violations alleged in the Accusation which are supported
7 by the evidence contained in the Default Decision Investigatory Evidence Packet in this case:

8 a. Respondent Farmer is subject to disciplinary action under Code section 4301,
9 subdivisions (j) and (o), in conjunction with Code section 4327.

10 **ORDER**

11 IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 61787, issued to
12 Respondent Leanne E. Farmer, is revoked.

13 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
14 written motion requesting that the Decision be vacated and stating the grounds relied on within
15 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
16 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

17 This Decision shall become effective at 5:00 p.m. on June 16, 2021.

18 It is so ORDERED on May 17, 2021.

19 

20 _____
21 Greg Lippe
22 Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

23 FARMER DEFAULT - KRD EDITS.DOCX
24 DOJ Matter ID:SA2020100967

25 Attachment:
26 Exhibit A: Accusation

Exhibit A

Accusation

(LEANNE E. FARMER, PMQ GROUP, LLC AND PMQ INVESTOR, LLC, DBA BVHC PMQ WEST
MODESTO, CHRISTOPHER NEE, CEO, and PMQ GROUP, LLC AND PMQ INVESTOR, LLC DBA GVHC
PMQ FS PHARMACY; CHRISTOPHER NEE, CEO)

1 XAVIER BECERRA
Attorney General of California
2 KAREN R. DENVIR
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**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

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,**

1 **and**

2
3 **PMQ GROUP, LLC AND PMQ INVESTOR,**
4 **LLC, DBA GVHC PMQ WEST MODESTO,**
5 **CHRISTOPHER NEE, CEO, President,**
6 **Director, and Shareholder**
7 **THE DANIEL S. SAIKAMI IRREVOCABLE**
8 **GIFTING TRUST, Shareholder**
9 **THE KELSEY A. SAIKAMI IRREVOCABLE**
10 **GIFTING TRUST, Shareholder**
11 **KINDERHOOK CAPITAL FUND V LP,**
12 **Shareholder KINDERHOOK CAPITAL FUND**
13 **V-B LP, Shareholder**
14 **THE ACN TRUST, Shareholder**
15 **THE WJN TRUST, Shareholder**
16 **MATTHEW DAVID BUBIS, Vice President,**
17 **Secretary, Director**
18 **DUANE SATOSHI SAIKANI, Chief Operating**
19 **Officer, Vice-President, Secretary,**
20 **Treasurer/Chief Financial Officer, and**
21 **Shareholder**
22 **1114 6th Street, Suite A**
23 **Modesto, CA 95354**

24 **Pharmacy Permit No. PHY 57229**

25 **ANKIT PARIKH**
26 **650 W. Vermont Ave.,**
27 **Anaheim, CA 92805**

28 **Pharmacist License No. RPH 66328**

Respondents.

PARTIES

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

3 2. On or about March 29, 2005, the Board issued Pharmacy Technician Registration
4 Number TCH 61787 to Leanne E. Farmer (Respondent Farmer). The Pharmacy Technician
5 Registration was in full force and effect at all times relevant to the charges brought herein and
6 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.

27 ///

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
import, the blank to be filled in with the designation of the practitioner licensed to use
or order use of the device.

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

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

28 ...

(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.

....

10. 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:

...

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

...

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

...

11. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had 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

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.

12. Section 4327 of the Code states:

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

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

...

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

...

COST RECOVERY

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

DEFINITIONS

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

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

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

///

///

///

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 6th 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

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

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

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

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

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

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

Respondent Farmer

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct—Impairment on Duty)

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

Respondent West Modesto Pharmacy

SECOND CAUSE FOR DISCIPLINE

(Violation of Pharmacy Law: Operational Standards and Security)

30. Respondent West Modesto Pharmacy is subject to disciplinary action under section 4301, subdivision (o), in conjunction with section California Code of Regulations, title 16, section 1714, subdivision (b), in that Respondent failed to maintain it's facilities, space, fixtures, and equipment such that drugs were safely and properly prepared, maintained, secured, and 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

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

OTHER MATTERS

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

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

///

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

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

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

3 15. Ordering Leanne E. Farmer, PMQ Group, LLC and PMQ Investor, LLC dba GVHC
4 PMQ FS Pharmacy, PMQ Group, LLC and PMQ Investor, LLC, dba BVHC PMQ West
5 Modesto, and Ankit Parikh, to pay the Board of Pharmacy the reasonable costs of the
6 investigation and enforcement of this case, pursuant to Business and Professions Code section
7 125.3; and,

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

9
10 DATED: 9/11/2020

Anne Sodergren

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

11
12
13
14
15 SA2020100967
16 34316959.docx
17
18
19
20
21
22
23
24
25
26
27
28