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

In the Matter of the Accusation Against:

ST. CYRIL INC. dba RE COMMUNITY PHARMACY,
GENEVIEVE BENJAMIN, OWNER, DIRECTOR AND OFFICER,
Pharmacy Permit No. PHY 55522; and

HAN.SAM CORP., dba RE PHARMACY,
HANY SAMUEL BENJAMIN, OWNER, DIRECTOR AND OFFICER,
Pharmacy Permit No. PHY 56970; and

HAN.SAM CORP., dba RIVERS EDGE PHARMACY,
HANY SAMUEL BENJAMIN, OWNER, DIRECTOR AND OFFICER,
Pharmacy Permit No. PHY 49157; and

HANY SAMUEL BENJAMIN,
Pharmacist License No. RPH 58261; and

GENEVIEVE SABRY BENJAMIN,
Pharmacist License No. RPH 58193; and

LISA NABIEH SMITH, AKA LISA NABIEH LUTFI,
Pharmacist License No. RPH 69812;

and

FADI ATEF NASSAR EBEID,
Pharmacist License No. RPH 69962,

Respondents

Agency Case No. 6934 and 6935

In the Matter of the Statement of Issues Against:

ST. CYRIL INC., dba CAMINO CAPISTRANO PHARMACY,
Pharmacy Permit Applicant,

Respondent

Agency Case No. 7022

In the Matter of the Statement of Issues Against:

RESELL PHARMACEUTICALS, LLC, HAN SAM CORP., SOLE MEMBER,
Wholesaler License Applicant,

Respondent

Agency Case No. 6929

In the Matter of the Statement of Issues Against:

MIA CARE, INC., dba MIA CARE PHARMACY,
Pharmacy Permit Applicant,

Respondent

Agency Case No. 7102

OAH No. 2021120024

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on August 24, 2022.

It is so ORDERED on July 25, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

Seung W. Oh, Pharm.D.
Board President

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
DESIREE I. KELLOGG
Deputy Attorney General
State Bar No. 126461
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9429
Facsimile: (619) 645-2061
Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case Nos. 6934 and 6935
ST. CYRIL INC., **DBA RE COMMUNITY PHARMACY,** **GENEVIEVE BENJAMIN, OWNER,** **DIRECTOR AND OFFICER** **2571 W. La Palma Ave., #A** **Anaheim, CA 92801** **Pharmacy Permit No. PHY 55522,** **HAN.SAM CORP.,** **DBA RE PHARMACY,** **HANY SAMUEL BENJAMIN, OWNER,** **DIRECTOR AND OFFICER** **2571 W. La Palma Avenue, Suite. A** **Anaheim, CA 92801** **Pharmacy Permit No. PHY 56970,** **HAN.SAM CORP.,** **DBA RIVER'S EDGE PHARMACY** **HANY SAMUEL BENJAMIN, OWNER,** **DIRECTOR AND OFFICER** **36919 Cook Street, Suite 102** **Palm Desert, CA 92211** **Pharmacy Permit No. PHY 49157,**	OAH No. 2021120024 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER AS TO ST. CYRIL, INC., DBA RE COMMUNITY PHARMACY; HAN.SAM CORP., DBA RE PHARMACY; HAN.SAM CORP., DBA, RIVER'S EDGE PHARMACY; HANY SAMUEL BENJAMIN; GENEVIEVE SABRY BENJAMIN; ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY; RESELL PHARMACEUTICALS, LLC, HAN.SAM CORP., SOLE MEMBER; AND MIA CARE, INC, DBA MIA CARE PHARMACY ONLY**

HANY SAMUEL BENJAMIN **36919 Cook Street** **Palm Desert, CA 92211** **Pharmacist License No. RPH 58261,** **GENEVIEVE SABRY BENJAMIN** **1 Odessa** **Foothill Ranch, CA 92610** **Pharmacist License No. RPH 58193,** **LISA NABIEH SMITH, AKA LISA NABIEH LUTFI** **11810 La Serna Dr.** **Whittier, CA 90604** **Pharmacist License No. RPH 69812** **and** **FADI ATEF NASSAR EBEID** **35782 Raphael Dr.** **Palm Desert, CA 92211** **Pharmacist License No. RPH 69962,** Respondents.	
In the Matter of the Statement of Issues Against**:** **ST. CYRIL INC.,** **DBA CAMINO CAPISTRANO PHARMACY** **Applicant for Pharmacy Permit** Respondent.	Case No. 7022
In the Matter of the Statement of Issues Against**:** **RESELL PHARMACEUTICALS, LLC,** **HAN.SAM CORP., SOLE MEMBER** **Applicant for Wholesaler License** Respondent.	Case No. 6929

In the Matter of the Statement of Issues Against:	Case No. 7102
MIA CARE INC., **DBA MIA CARE PHARMACY** **Applicant for Pharmacy Permit** Respondent.	

The following stipulation is agreed to by and resolves the administrative cases pending as to Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve Sabry Benjamin, St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy only. It does not apply to or alter the administrative case pending against Respondents Lisa Nabieh Smith and Fadi Atef Nassar Ebeid.

IT IS HEREBY STIPULATED AND AGREED by and between the above-named 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 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney General.

2. Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy and, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member are acting in this proceeding through Hany Samuel Benjamin, an officer, shareholder and director of Han.Sam Corp., who has been designated and authorized to enter into this agreement on their behalf. St. Cyril, Inc., dba RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy are acting in this proceeding through Genevieve Sabry Benjamin, an officer, shareholder and director of St. Cyril, Inc., who has been designated and authorized to enter into this agreement on their behalf. Mia

Care, Inc., dba Mia Care Pharmacy, is acting in this proceeding through Mervet Mecheal Abdelmalik, an officer, shareholder and director of Mia Care, Inc., who has been designated and authorized to enter into this agreement on its behalf.

3. St. Cyril, Inc., dba RE Community Pharmacy, St. Cyril, Inc., dba Camino Capistrano Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, ReSell Pharmaceuticals, Inc., Han.Sam Corp., Sole Member, Mia Care, Inc., dba Mia Care Pharmacy, Inc., Hany Samuel Benjamin and Genevieve Sabry Benjamin are represented in this proceeding by attorney Adam B. Brown of the Law Offices of Brown & Brown, whose address is: 3848 W. Carson Street, Suite 206, Torrance, CA 90503.

4. On or about February 15, 2017, the Board of Pharmacy issued Pharmacy Permit Number PHY 55522 to St. Cyril Inc., doing business as RE Community Pharmacy, Genevieve Benjamin, owner, director and officer. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 and was cancelled on January 16, 2019.

5. On or about January 16, 2019, the Board of Pharmacy issued Pharmacy Permit Number PHY 56970 to Han.Sam Corp., doing business as RE Pharmacy, Hany Samuel Benjamin, owner, director and officer. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 and was cancelled on March 11, 2021 effective February 8, 2021.

6. On or about September 15, 2008, the Board of Pharmacy issued Pharmacy Permit Number PHY 49157 to Han.Sam Corp., doing business as River's Edge Pharmacy, Hany Samuel Benjamin, owner, director and officer. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 and will expire on September 1, 2022, unless renewed.

7. On or about May 9, 2006, the Board of Pharmacy issued Pharmacist License Number RPH 58261 to Hany Samuel Benjamin. The Pharmacist License was in full force and effect at all

times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 and will expire on October 31, 2023, unless renewed.

8. On or about March 20, 2006, the Board of Pharmacy issued Pharmacist License Number RPH 58193 to Genevieve Sabry Benjamin. The Pharmacist License was in full force and effect at all times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 and will expire on April 30, 2024, unless renewed.

9. On or about October 30, 2019, the Board received an application for a wholesaler license from ReSell Pharmaceuticals, LLC with Han.Sam Corp. identified as the sole member of ReSell Pharmaceuticals, LLC. On or about March 2, 2020, the Board denied ReSell Pharmaceuticals, LLC's application and subsequently filed First Amended Statement of Issues No. 6929.

10. On or about October 23, 2019, the Board received an application for a pharmacy permit from St. Cyril, Inc. to do business as Camino Capistrano Pharmacy. On February 18, 2020, Camino Capistrano Pharmacy filed an amended application. On or about August 4, 2020, the Board denied Camino Capistrano Pharmacy's application and subsequently filed First Amended Statement of Issues No. 7022.

11. On or about November 18, 2020, the Board received an application for a pharmacy permit from Mia Care, Inc. to do business as Mia Care Pharmacy. On or about February 4, 2021, the Board denied Mia Care Pharmacy's application and subsequently filed First Amended Statement of Issues No. 7102.

JURISDICTION

12. First Amended Accusation Nos. 6934 and 6935 was filed before the Board, and is currently pending against St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin and Genevieve Sabry Benjamin. First Amended Statement of Issues No. 7022 was filed before the Board, and is currently pending against St. Cyril, Inc., dba Camino Capistrano Pharmacy. First Amended

Statement of Issues No. 6929 was filed before the Board, and is currently pending against Resell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member. First Amended Statement of Issues No. 7102 was filed before the Board, and is currently pending against Mia Care, Inc., dba Mia Care Pharmacy. First Amended Accusation Nos. 6934 and 6935, First Amended Statement of Issues No. 7022, First Amended Statement of Issues No. 6929 and First Amended Statement of Issues No. 7102, and all other statutorily required documents were properly served on St. Cyril, Inc., dba RE Community Pharmacy, St. Cyril, dba Camino Capistrano Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, ReSell Pharmaceuticals, LLC, Sole Member, Han.Sam Corp., Hany Samuel Benjamin, Genevieve Sabry Benjamin and Mia Care, Inc., dba Mia Care Pharmacy on May 5, 2022. St. Cyril, Inc., dba RE Community Pharmacy, St. Cyril, Inc., dba Camino Capistrano, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member, Hany Samuel Benjamin, Genevieve Sabry Benjamin and Mia Care, Inc., dba Mia Care Pharmacy timely filed Notices of Defense or requests for hearing as to Case Nos. 6934, 6935, 7022, 6929 and 7102. Copies of First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 are attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

13. Respondents has carefully read, fully discussed with counsel, and understand the charges and allegations in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102. Respondents have also carefully read, fully discussed with counsel, and understand this Stipulated Settlement and Disciplinary Order.

14. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the First Amended Accusation and First Amended Statement of Issues; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration

///

and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

15. Respondents hereby voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

16. Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin and Genevieve Sabry Benjamin hereby understand and agree that the charges and allegations in First Amended Accusation Nos. 6934 and 6935, if proven at a hearing, constitute cause for imposing discipline upon their respective Pharmacy Permits and Pharmacist Licenses. Respondents St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy hereby understand and agree that the charges and allegations in First Amended Statement of Issues Nos. 7022, 6929 and 7102, if proven at a hearing, constitute cause for denial of their applications for a Pharmacy License or Wholesaler License.

17. For the purpose of resolving these cases without the expense and uncertainty of further proceedings, Respondents St. Cyril, dba RE Community Pharmacy, St. Cyril, dba Camino Capistrano Pharmacy, Han.Sam Corp., RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve Sabry Benjamin, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy hereby agree that, at a hearing, Complainant could establish a factual basis for the charges in First Amended Accusation Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102, that those charges constitute cause for discipline or denial, and that Respondents hereby give up their right to contest those charges.

18. Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Sole Member and Mia Care, Inc., dba Mia Care Pharmacy understand that by signing this stipulation

they enable the Board to issue an order accepting the surrender of their Pharmacy Permits and affirming license denials, without further process.

19. Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin and Genevieve Sabry Benjamin agree that their respective Pharmacist Licenses and Pharmacy Permit are subject to discipline and they agree to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

20. 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 their 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 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.

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 55522 issued to Respondent St. Cyril, Inc., dba RE Community Pharmacy and Pharmacy Permit No. PHY 56970 issued to Respondent Han.Sam Corp., dba RE Pharmacy, are surrendered and accepted by the Board.

1. The surrender of Respondents St. Cyril, Inc., dba RE Community Pharmacy's and Han.Sam Corp., dba RE Pharmacy's Pharmacy Licenses and the acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline against Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy. This stipulation shall constitute a record of discipline and shall become part of Respondent St. Cyril, dba RE Community Pharmacy's and Han.Sam Corp., dba RE Pharmacy's license history with the Board. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy understand and acknowledge that for purposes of Business and Professions Code section 4307, this stipulated surrender is the same as a revocation.

2. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy shall lose all rights and privileges as pharmacies in California as of the effective date of the Board's decision and Order to the extent not previously lost.

3. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy understand and agree that if they ever file an application for licensure of a licensed premises or a petition for reinstatement in the State of California, the Board shall treat the application or petition as a new application for licensure.

4. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy may not reapply for any license from the Board for three (3) years from the effective date of this decision. They stipulate that should they apply for any license from the Board on or after the effective date of this decision, all allegations set forth in First Amended Accusation Nos. 6934 and 6935 shall be deemed to be true, correct and admitted by the applicant when the Board determines whether to grant or deny an application.

///

///

5. If either Respondent St. Cyril, Inc., dba RE Community Pharmacy or Respondent Han.Sam Corp., dba RE Pharmacy applies for any license form the Board, it shall satisfy all requirements applicable to that license as of the date the application is submitted to the Board.

6. If either Respondent St. Cyril, Inc., dba RE Community Pharmacy or Respondent Han.Sam Corp., dba RE Pharmacy ever applies or reapplies for a license or certification by any other health care licensing agency in the State of California, all of the charges and allegations contained in First Amended Accusation Nos. 6934 and 6935 shall be deemed to be true, correct, and admitted by them for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy shall relinquish their respective pharmacy permits, and any indicia of licensure by the Board, including but not limited to wall and renewal license certificates, within five (5) days of the effective date of this decision.

IT IS FURTHER HEREBY ORDERED that the denials of the applications for a pharmacy license by St. Cyril, Inc., dba Camino Capistrano Pharmacy, a wholesaler license by ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and a pharmacy license by Mia Care, Inc. dba Mia Care Pharmacy, are hereby affirmed and made final, as of the effective date of this decision, and this will finally resolve Statement of Issues Case Nos. 7022, 6929 and 7102.

IT IS FURTHER HEREBY ORDERED that Pharmacy Permit No. PHY 49157 issued to Respondent Han.Sam Corp., dba River's Edge Pharmacy is revoked. However, the revocation is stayed and Respondent is placed on probation for four (4) years on the following terms and conditions.

1. **Definition: Respondent**

For the purposes of these terms and conditions numbers 1-19, pages 10-17, "respondent" shall refer to Han.Sam Corp., dba River's Edge Pharmacy. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance

required to be made by respondent to or before the board or its designee shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

2. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

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

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

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

3. **Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

///

///

4. **Interview with the Board**

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

5. **Cooperate with Board Staff**

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

6. **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of $70,000.00 and shall be jointly and severally liable for those costs with Hany Samuel Benjamin and Genevieve Sabry Benjamin. Respondent shall be permitted to pay these costs in a payment plan approved by the board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

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

7. **Probation Monitoring Costs**

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

8. **Status of License**

Respondent shall, at all times while on probation, maintain a current pharmacy permit with the board. Failure to maintain current licensure shall be considered a violation of probation.

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

9. **License Surrender While on Probation/Suspension**

Following the effective date of this decision, should respondent wish to discontinue business, respondent may tender the premises license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Respondent may not apply for any new license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

Respondent further stipulates that it shall reimburse the board for its costs of investigation and prosecution prior to the acceptance of the surrender.

Upon acceptance of the surrender, respondent shall relinquish the premises wall and renewal license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent shall further submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer within five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

Respondent shall also, by the effective date of this decision, arrange for the continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary

in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the board. For the purposes of this provision, "ongoing patients" means those patients for whom the pharmacy has on file a prescription with one or more refills outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60) days.

Respondent may not apply for any new license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

Respondent further stipulates that it shall reimburse the board for its costs of investigation and prosecution prior to the acceptance of the surrender.

10. **Sale or Discontinuance of Business**

During the period of probation, should respondent sell, trade or transfer all or part of the ownership of the licensed entity, discontinue doing business under the license issued to respondent, or should practice at that location be assumed by another full or partial owner, person, firm, business, or entity, under the same or a different premises license number, the board or its designee shall have the sole discretion to determine whether to exercise continuing jurisdiction over the licensed location, under the current or new premises license number, and/or carry the remaining period of probation forward to be applicable to the current or new premises license number of the new owner.

11. **Notice to Employees**

Respondent shall, upon or before the effective date of this decision, ensure that all employees involved in permit operations are made aware of all the terms and conditions of probation, either by posting a notice of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout the probation period. Respondent shall ensure that any employees hired or used after the effective date of this decision are made aware of the terms and conditions of probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit written notification to the board, within fifteen (15) days of the effective date of this decision, that

this term has been satisfied. Failure to timely provide such notification to employees, or to timely submit such notification to the board shall be considered a violation of probation.

"Employees" as used in this provision includes all full-time, part-time, volunteer, temporary, and relief employees and independent contractors employed or hired at any time during probation.

12. **Owners and Officers: Knowledge of the Law**

Respondent shall provide, within thirty (30) days after the effective date of this decision, signed and dated statements from its owners, including any owner or holder of ten percent (10%) or more of the interest in respondent or respondent's stock, and all of its officer, stating under penalty of perjury that said individuals have read and are familiar with state and federal laws and regulations governing the practice of pharmacy. The failure to timely provide said statements under penalty of perjury shall be considered a violation of probation.

13. **Premises Open for Business**

Respondent shall remain open and engaged in its ordinary business as a pharmacy in California for a minimum of 100 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during with this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation, unless respondent is informed otherwise in writing by the board or its designee. If respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 100 hours in any calendar month, for any reason (including vacation), respondent shall notify the board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at minimum all of the following: the date(s) and hours respondent was open; the reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on which respondent will resume business as required. Respondent shall further notify the board in writing with ten (10) days following the next calendar month during which respondent is open and engaged in its ordinary business as a pharmacy in California for a minimum of 100 hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

14. **Posted Notice of Probation**

Respondent shall prominently post a probation notice provided by the board or its designee in a place conspicuous to and readable by the public within two (2) days of receipt thereof from the board or its designee. Failure to timely post such notice, or to maintain the posting during the entire period of probation, shall be considered a violation of probation.

Respondent shall not, directly or indirectly, engage in any conduct or make any statement which is intended to mislead or is likely to have the effect of misleading any patient, customer, member of the public, or other person(s) as to the nature of and reason for the probation of the licensed entity.

15. **Violation of Probation**

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall be automatically extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in First Amended Accusation Nos. 6934 and 6935 shall be deemed true and correct.

16. **Completion of Probation**

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

///

///

///

17. **No Additional Ownership or Management of Licensed Premises**

Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor serve as a manager, administrator, member, officer, director, associate, partner or any business, firm, partnership, or corporation currently or hereinafter licensed by the board except as approved by the board or its designee. Violations of this restriction shall be considered a violation of probation.

18. **Administrative Fine**

Respondent shall pay an administrative fine to the Board in the amount of $10,000.00. Respondent shall have ninety (90) days from the effective date of this Decision and Order to pay the administrative fine. Failure to pay the administrative fine as ordered, shall be considered a violation of probation.

19. **Consultant Review of Pharmacy Operations**

Respondent shall retain, at its own expense, an independent consultant who shall review the operations of the facility, during the period of probation, on a monthly basis for compliance of the facility with state and federal laws and regulations governing the practice of pharmacy, and compliance by respondent. The consultant shall provide the board with an inspection agenda for approval prior to conducting the inspection. Any inspection conducted without prior approval of the inspection agenda shall not be accepted. The consultant shall also provide the board with reports documenting the inspection. The reports shall be provided directly to the board, and receive confirmation of receipt from the board, prior to providing to the respondent. Should the board determine that the consultant is not appropriately assessing the operations of respondent, or providing the appropriate written reports, the board shall require respondent to obtain a different consultant through the same process outlined above, by submitting a new name of an expert within sixty (60) days of respondent being notified of the need for a new consultant. During the period of probation, the board shall retain discretion to reduce the frequency of the consultant's review.

///

///

Respondent shall submit the name of the proposed consultant for approval within thirty (30) days of the effective date of this decision. The consultant shall be a pharmacist licensed by and not on probation with the board or other professional as appropriate and not on probation with the board, who has been approved by the board to serve in this position. The consultant shall have sufficient education, training, and professional experience to be able to provide guidance to respondent related to the causes for discipline in Case Nos. 6934 and 6935. Assumption of any unauthorized supervision responsibilities shall be considered a violation of probation.

Failure to seek approval for, timely retain, or ensure timely reporting by the consultant shall be considered a violation of probation.

IT IS FURTHER HEREBY ORDERED that Pharmacist License No. RPH 58261 issued to Respondent Hany Samuel Benjamin is revoked. However, the revocation is stayed and Hany Benjamin is placed on probation for four (4) years on the following terms and conditions:

1. **Obey All Laws**

Respondent Hany Benjamin shall obey all state and federal laws and regulations.

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

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

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

2. **Report to the Board**

Respondent Hany Benjamin shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent Hany Benjamin shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

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

3. **Interview with the Board**

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

4. **Cooperate with Board Staff**

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

5. **Continuing Education**

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

///

6. **Reporting of Employment and Notice to Employers**

During the period of probation, respondent Hany Benjamin shall notify all present and prospective employers of the decision in case number 6934 and 6935 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

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

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent Hany Benjamin undertaking any new employment, respondent Hany Benjamin shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of his employer, to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case numbers 6934 and 6935, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, respondent Hany Benjamin shall cause the person(s) taking over the role(s) to report to the board in writing within

fifteen (15) days of the change acknowledging that he or she has read the decision in case numbers 6934 and 6935, and the terms and conditions imposed thereby.

If respondent Hany Benjamin works for or is employed by or through an employment service, respondent Hany Benjamin must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board of the decision in case numbers 6934 and 6935, and the terms and conditions imposed thereby in advance of respondent Hany Benjamin commencing work at such licensed entity. A record of this notification must be provided to the board upon request.

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

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

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

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

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

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

///

8. **Restrictions on Supervision and Oversight of Licensed Facilities**

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

9. **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent Hany Benjamin shall pay to the board its costs of investigation and prosecution in the amount of $70,000.00 in a payment plan to be approved by the Board or its designee and shall be jointly and severally liable for those costs with Genevieve Sabry Benjamin and Respondent Han.Sam Corp., dba, River's Edge Pharmacy.

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

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

10. **Probation Monitoring Costs**

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

11. **Status of License**

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

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

12. **License Surrender While on Probation/Suspension**

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

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

13. **Practice Requirement – Extension of Probation**

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

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

It is a violation of probation for respondent Hany Benjamin's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months. The board or its designee may post a notice of the extended probation period on its website.

14. **Violation of Probation**

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

If respondent Hany Benjamin violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent Hany Benjamin during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the

petition to revoke probation or accusation is heard and decided, and the charges and allegations in First Amended Accusation Nos. 6934 and 6935 shall be deemed true and correct.

15. **Completion of Probation**

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

16. **Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, respondent Hany Benjamin shall enroll in a course in ethics, at respondent Hany Benjamin's expense, approved in advance by the board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent Hany Benjamin shall provide proof of enrollment upon request. Within five (5) days of completion, respondent Hany Benjamin shall submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the board or its designee, shall be considered a violation of probation.

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

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

IT IS FURTHER HEREBY ORDERED that Pharmacist License No. RPH 58193 issued to Respondent Genevieve Sabry Benjamin is revoked. However, the revocation is stayed and Genevieve Benjamin is placed on probation for four (4) years on the following terms and

conditions:

1. **Obey All Laws**

Respondent Genevieve Benjamin shall obey all state and federal laws and regulations.

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

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

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

2. **Report to the Board**

Respondent Genevieve Benjamin shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

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

///

3. **Interview with the Board**

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

4. **Cooperate with Board Staff**

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

5. **Continuing Education**

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

6. **Reporting of Employment and Notice to Employers**

During the period of probation, respondent Genevieve Benjamin shall notify all present and prospective employers of the decision in case number 6934 and 6935 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within ten (10) days of undertaking any new employment, respondent Genevieve Benjamin shall report to the board in writing the name, physical address, and mailing address of each of her employer(s), and the name(s) and telephone number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-in- charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent Genevieve Benjamin shall also

include the reason(s) for leaving the prior employment. Respondent Genevieve Benjamin shall sign and return to the board a written consent authorizing the board or its designee to communicate with all of respondent Genevieve Benjamin's employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee, concerning respondent's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent Genevieve Benjamin undertaking any new employment, respondent shall cause (a) her direct supervisor, (b) her pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of her employer, to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case numbers 6934 and 6935, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be respondent Genevieve Benjamin's responsibility to ensure that these acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, respondent Genevieve Benjamin shall cause the person(s) taking over the role(s) to report to the board in writing within fifteen (15) days of the change acknowledging that she has read the decision in case numbers 6934 and 6935, and the terms and conditions imposed thereby.

If respondent Genevieve Benjamin works for or is employed by or through an employment service, respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board of the decision in case numbers 6934 and 6935, and the terms and conditions imposed thereby in advance of respondent commencing work at such licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent Genevieve Benjamin undertaking any new employment by or through an employment service, respondent Genevieve Benjamin shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the board in writing acknowledging that

she has read the decision in case number, and the terms and conditions imposed thereby. It shall be respondent Genevieve Benjamin's responsibility to ensure that these acknowledgment(s) are timely submitted to the board.

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

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

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

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

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

8. **Restrictions on Supervision and Oversight of Licensed Facilities**

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

9. **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent Genevieve Benjamin shall pay to the board its costs of investigation and prosecution in the amount of $70,000, in a payment plan to be approved by the Board or its designee and be jointly and severally liable for those costs with Hany Samuel Benjamin and Respondent Han.Sam Corp., dba, River's Edge Pharmacy.

///

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

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

10. **Probation Monitoring Costs**

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

11. **Status of License**

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

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

12. **License Surrender While on Probation/Suspension**

Following the effective date of this decision, should respondent Genevieve Benjamin cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent Genevieve Benjamin may relinquish her license, including any indicia of licensure issued by the board, along with a request to surrender the license. The board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license,

respondent Genevieve Benjamin will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

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

13. **Practice Requirement – Extension of Probation**

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

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

///

It is a violation of probation for respondent Genevieve Benjamin's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months. The board or its designee may post a notice of the extended probation period on its website.

14. **Violation of Probation**

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

If respondent Genevieve Benjamin violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided, and the charges and allegations in First Amended Accusation Nos. 6934 and 6935 shall be deemed true and correct.

15. **Completion of Probation**

Upon written notice by the board or its designee indicating successful completion of probation, respondent Genevieve Benjamin's license will be fully restored.

16. **Ethics Course**

Within sixty (60) calendar days of the effective date of this decision, respondent Genevieve Benjamin shall enroll in a course in ethics, at respondent Genevieve Benjamin's expense, approved in advance by the board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent Genevieve Benjamin shall provide proof of enrollment

upon request. Within five (5) days of completion, respondent Genevieve Benjamin shall submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the board or its designee, shall be considered a violation of probation.

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

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

ACCEPTANCE

I, Hany Samuel Benjamin, a shareholder, director and/or officer of Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy and ReSell Pharmaceuticals, Inc., Han.Sam Corp., Sole Member, am acting on those entities' behalf and in my individual capacity. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I understand the stipulation and the effect it will have on my Pharmacist License, on the Permits issued to Han.Sam Corp., dba RE Pharmacy and Han.Sam Corp., dba River's Edge Pharmacy and on the application filed by ReSell Pharmaceuticals, Inc., Han.Sam Corp., Sole Member.

///

///

///

///

On behalf of myself and on behalf of the above-listed entities as their authorized representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

_____
HANY SAMUEL BENJAMIN for himself and for HAN.SAM CORP., DBA RE PHARMACY, HAN.SAM. CORP., DBA RIVER'S EDGE PHARMACY and RESELL PHARMACEUTICALS, LLC, HAN.SAM, SOLE MEMBER
Respondents

I, Genevieve Sabry Benjamin, a shareholder, director and/or officer of St. Cyril, Inc., dba RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy, am acting on their behalf and in my individual capacity. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I understand the stipulation and the effect it will have on my Pharmacist License, on the Permit issued to St. Cyril, Inc., dba RE Community Pharmacy and on the application filed by St. Cyril, Inc., dba Camino Capistrano Pharmacy. On behalf of myself and on behalf of St. Cyril, Inc. dba RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy as their authorized representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

_____
GENEVIEVE SABRY BENJAMIN for herself and for ST. CYRIL, INC., DBA RE COMMUNITY PHARMACY and ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY
Respondents

On behalf of myself and on behalf of the above-listed entities as their authorized representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6/6/2022

HANY SAMUEL BENJAMIN for himself and for HAN.SAM CORP., DBA RE PHARMACY, HAN.SAM. CORP., DBA RIVER'S EDGE PHARMACY and RESELL PHARMACEUTICALS, LLC, HAN.SAM, SOLE MEMBER
Respondents

I, Genevieve Sabry Benjamin, a shareholder, director and/or officer of St. Cyril, Inc., dba RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy, am acting on their behalf and in my individual capacity. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I understand the stipulation and the effect it will have on my Pharmacist License, on the Permit issued to St. Cyril, Inc., dba RE Community Pharmacy and on the application filed by St. Cyril, Inc., dba Camino Capistrano Pharmacy. On behalf of myself and on behalf of St. Cyril, Inc. dba RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy as their authorized representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 6-6-2022

GENEVIEVE SABRY BENJAMIN for herself and for ST. CYRIL, INC., DBA RE COMMUNITY PHARMACY and ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY
Respondents

I, Mervet Mecheal Abdelmalik, a shareholder, director and/or officer of Mia Care, Inc., dba Mia Care Pharmacy, Inc. am acting on its behalf. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I understand the stipulation and the effect it will have on the application filed by Mia Care, Inc., dba Mia Care Pharmacy. On behalf of Mia Care, Inc., dba Mia Care Pharmacy, as its authorized representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____ _____

MERVET MECHEAL ABDELMALIK for MIA CARE, INC., DBA MIA CARE PHARMACY
Respondent

I have read and fully discussed with Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve Sabry Benjamin, St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____ _____

ADAM B. BROWN
Attorney for Respondents

///

///

///

///

///

///

I, Mervet Mecheal Abdelmalik, a shareholder, director and/or officer of Mia Care, Inc., dba Mia Care Pharmacy, Inc. am acting on its behalf. I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I understand the stipulation and the effect it will have on the application filed by Mia Care, Inc., dba Mia Care Pharmacy. On behalf of Mia Care, Inc., dba Mia Care Pharmacy, as its authorized representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 06/06/2022

MERVET MECHEAL ABDELMALIK for MIA CARE, INC., DBA MIA CARE PHARMACY
Respondent

I have read and fully discussed with Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve Sabry Benjamin, St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 6-7-22

ADAM B. BROWN
Attorney for Respondents

///

///

///

///

///

///

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

SD2020300396
83425953.docx

ENDORSEMENT

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

DATED: 6/7/22

Respectfully submitted,

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

SD2020300396
83425953.docx

Exhibit A

First Amended Accusation/First Amended Statements of Issues No. 6934, 6935, 7022, 6929 and 7102

ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General
DESIREE I. KELLOGG
Deputy Attorney General
State Bar No. 126461
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
San Diego, CA 92186-5266
Telephone: (619) 738-9429
Facsimile: (619) 645-2061
Attorneys for Complainant

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

In the Matter of the Accusation Against:	Case Nos. 6934 and 6935
ST. CYRIL INC., **DBA RE COMMUNITY PHARMACY,** **GENEVIEVE BENJAMIN, OWNER,** **DIRECTOR AND OFFICER** **2571 W. La Palma Ave., #A** **Anaheim, CA 92801** **Pharmacy Permit No. PHY 55522,** **HAN.SAM CORP.,** **DBA RE PHARMACY,** **HANY SAMUEL BENJAMIN, OWNER,** **DIRECTOR AND OFFICER** **2571 W. La Palma Avenue, Suite A** **Anaheim, CA 92801** **Pharmacy Permit No. PHY 56970,** **HAN.SAM CORP.,** **DBA RIVERS EDGE PHARMACY** **HANY SAMUEL BENJAMIN, OWNER,** **DIRECTOR AND OFFICER** **36919 Cook Street, Suite 102** **Palm Desert, CA 92211** **Pharmacy Permit No. PHY 49157,**	**FIRST AMENDED ACCUSATION**

HANY SAMUEL BENJAMIN
36919 Cook Street
Palm Desert, CA 92211

Pharmacist License No. RPH 58261,

GENEVIEVE SABRY BENJAMIN
1 Odessa
Foothill Ranch, CA 92610

Pharmacist License No. RPH 58193,

LISA NABIEH SMITH, AKA LISA NABIEH LUTFI
11810 La Serna Dr.
Whittier, CA 90604

Pharmacist License No. RPH 69812,

and

FADI ATEF NASSAR EBEID
35782 Raphael Dr.
Palm Desert, CA 92211

Pharmacist License No. RPH 69962

Respondents.

In the Matter of the Statement of Issues Against:

ST. CYRIL INC.,
DBA CAMINO CAPISTRANO PHARMACY

Applicant for Pharmacy Permit

Respondent.

Case No. 7022

FIRST AMENDED STATEMENT OF ISSUES

In the Matter of the Statement of Issues Against:

RESELL PHARMACEUTICALS, LLC,
HAN SAM CORP., SOLE MEMBER

Applicant for Wholesaler License

Respondent.

Case No. 6929

FIRST AMENDED STATEMENT OF ISSUES

In the Matter of the Statement of Issues Against: **MIA CARE INC.,** **DBA MIA CARE PHARMACY** **Applicant for Pharmacy Permit** Respondent.	Case No. 7102 **FIRST AMENDED STATEMENT OF ISSUES**

PARTIES

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

2. On or about February 15, 2017, the Board of Pharmacy issued Pharmacy Permit Number PHY 55522 to St. Cyril Inc., doing business as RE Community Pharmacy (RE Community Pharmacy). The Board cancelled the Pharmacy Permit on January 16, 2019.

3. On or about January 16, 2019, the Board of Pharmacy issued Pharmacy Permit Number PHY 56970 to Han.Sam Corp., doing business as RE Pharmacy (RE Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and expired on February 8, 2021. The Board cancelled the Pharmacy Permit on March 11, 2021 due to a discontinuance of business, effective February 8, 2021.

4. On or about September 15, 2008, the Board of Pharmacy issued Pharmacy Permit Number PHY 49157 to Han.Sam Corp., doing business as River's Edge Pharmacy (River's Edge Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on September 1, 2022, unless renewed.

5. On or about May 9, 2006, the Board of Pharmacy issued Pharmacist License Number RPH 58261 to Hany Samuel Benjamin (Hany Benjamin). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2023, unless renewed.

6. On or about March 20, 2006, the Board of Pharmacy issued Pharmacist License Number RPH 58193 to Genevieve Sabry Benjamin (Genevieve Benjamin). The Pharmacist

License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2024, unless renewed.

7. On or about September 30, 2013, the Board of Pharmacy issued Pharmacist License Number RPH 69812 to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi (Lisa Smith). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2023, unless renewed.

8. On or about October 10, 2013, the Board of Pharmacy issued Pharmacist License Number RPH 69962 to Fadi Atef Nassar Ebeid (Fadi Ebeid). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2023, unless renewed.

9. On or about October 30, 2019, the Board received an application for a wholesaler license from ReSell Pharmaceuticals, LLC with Han.Sam Corp. identified as the sole member of ReSell Pharmaceuticals, LLC. Hany Benjamin was an owner of outstanding shares, and an officer and Genevieve Benjamin was an officer and director of Han.Sam Corp. On or about August 14, 2019, Genevieve Benjamin, on behalf of ReSell Pharmaceuticals, LLC certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. On or about March 2, 2020, the Board denied ReSell Pharmaceuticals, LLC's application.

10. On or about October 23, 2019, the Board received an application for a pharmacy permit from St. Cyril, Inc. to do business as Camino Capistrano Pharmacy. On February 18, 2020, Camino Capistrano Pharmacy filed an amended application. Genevieve Benjamin was an owner of outstanding shares, an officer and a director of St. Cyril, Inc. On or about July 29, 2019, Genevieve Benjamin, on behalf of Camino Capistrano Pharmacy certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. On or about August 4, 2020, the Board denied Camino Capistrano Pharmacy's application.

11. On or about November 18, 2020, the Board received an application for a pharmacy permit from Mia Care, Inc. to do business as Mia Care Pharmacy. Genevieve Benjamin's mother, Mervet Mecheal Abdelmalik was the sole owner of the outstanding shares, an officer and director

of Mia Care, Inc. and Genevieve Benjamin's father, Sabry Shafik Abdelmalik was an officer of Mia Care, Inc. On or about February 4, 2021, the Board denied Mia Care Pharmacy's application.

JURISDICTION

12. The First Amended Accusation and Statements of Issues are brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

13. Code section 4011 provides that the Board shall administer and enforce both the Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq*.) and the Uniform Controlled Substances Act (Health & Safety Code, § 11000 *et seq*.).

14. Code section 4300, subdivision (a) provides that every license issued by the Board may be suspended or revoked.

15. Code section 4300, subdivision (c) states:

> The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. . .

16. Code section 4300.1 states:

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

STATUTORY AND REGULATORY PROVISIONS

17. Code section 4022 states:

> "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
>
> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
>
> (b) Any device that bears the statement: "Caution: federal law restricts this 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.

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

18. Code section 4043 states:

'Wholesaler' means and includes a person who acts as a wholesale merchant, broker, jobber customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or authorize the storage or warehousing of drugs with any person or at any location not licensed by the board.

19. Code section 4059.5, subdivision (a) states:

Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and shall be delivered to the licensed premises and signed for and received by a pharmacist. Where a licensee is permitted to operate through a designated representative, or in the case of a reverse distributer, a designated representative-reverse distributor, that individual shall sign for and receive the delivery.

20. Code section 4113, subdivision (c) states:

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.

21. Code section 4160, subdivision (a) states:

A person shall not act as a wholesaler or third-party logistics provider of any dangerous drug or dangerous device unless he or she has obtained a license from the board.

22. Code section 4169, subdivisions (a)(1) and (a)(4) state:

(a) A person or entity shall not do any of the following:

(1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler, third-party logistics provider, or pharmacy.

…

(4) Purchase, trade sell, or transfer dangerous drugs or dangerous devices after the beyond use date on the label.

23. Code section 4300, subdivision (c) of the Code states, in pertinent part:

The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure.

24. Code section 4301 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 procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

…

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

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

…

(j) The violation of any of the statutes of this state, or 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 any other state or federal regulatory agency.

…

25. Code section 4302 states:

The board may deny, suspend, or revoke any license where conditions exist in relation to any person holding 10 percent or more of the ownership interest or where conditions exist in relation to any officer, director, or other person with management or control of the license that would constitute grounds for disciplinary action against a licensee.

26. Code section 4307, subdivision (a) states:

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, or partner of any partnership, corporation, 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 manger, administrator, owner, member, officer, director, associate, or partner had knowledge 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 manger, administrator, owner, member, officer, director, associate, or partner 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.

COST RECOVERY

27. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate 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.

DRUGS

28. Actemra is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

29. Avastin is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

30. Herceptin is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

31. Hyqvia is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

32. Herceptin is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

33. Imbruvica is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

34. Invokana is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

35. Keytruda is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

36. Neupogen is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

37. Octagam is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

38. Tasigna is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

39. Xtandi is an expensive oncology drug and a dangerous drug as defined by Business and Professions Code section 4022.

FACTUAL ALLEGATIONS

40. RE Community Pharmacy was a closed door, specialty pharmacy[1] located in Anaheim, California until it ceased doing business on January 16, 2019. Lisa Smith was the Pharmacist-in-Charge.

41. RE Pharmacy was a closed door, specialty pharmacy located in Anaheim, California until it ceased doing business in February 2021. Lisa Smith was the Pharmacist-in-Charge until March 2020.

42. River's Edge Pharmacy is a closed door, specialty pharmacy located in Palm Desert, California. Fadi Ebeid is the Pharmacist-in-Charge.

43. After receiving several complaints, the Board conducted investigations of these pharmacies' operations that revealed the following facts, unprofessional conduct and violations of law.

44. RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy created separate partnerships with three physicians, Dr. K.A., Dr. G.C. and Dr. W.B. (affiliated physicians) to purchase expensive oncology drugs from Cardinal Health 108, LLC (Cardinal Health) at discounted prices. As a condition to purchasing oncology drugs at discounted prices through these partnerships with the affiliated physicians, RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy and Cardinal Health, doing business as Vital Source GPO and RainTree GPO, LLC entered into group purchasing organization participation agreements (group purchasing organization participation agreements).

45. In connection with the group purchasing organization participation agreements, RE Community Pharmacy, RE Pharmacy and River's Edge confirmed that they intended to establish

[1] Specialty pharmacies dispense specialty drugs that are either high cost, high complexity or high touch (i.e., involve a higher degree of sophistication in terms of distribution, administration or patient management).

a business relationship that complied with the Medicare and Medicaid anti-kickback statute set forth in 42 U.S.C. § 1320a-7b. They also confirmed that they intended to comply with the requirements of the "safe harbor" regulations regarding payments to group organization purchasing organizations set forth in 42 C.F.R. § 1001.952(j) and discounts offered to buyers set forth in 42 C.F.R. § 1001.952(h). [2]

46. Cardinal Health and a drug manufacturer, Genentech operated a program to sell drugs at discounted prices to free-standing physician-owned solo or group practices who were treating patients on an out-patient basis, if they certified they were eligible for the program. RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy certified their eligibility to participate in this program (manufacturer distribution agreement).

47. Cardinal Health expected that RE Community Pharmacy, RE Pharmacy, River's Edge Pharmacy and their affiliated physicians would be purchasing discounted drugs under the group purchasing organization participation agreements and the manufacturer distribution agreement, solely for administration to the affiliated physicians' own respective patients and not for RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy to resell or transfer to other pharmacies.

48. Cardinal Health sent multiple notices to RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy advising them that they could not dispense the drugs purchased at discounted prices under the terms of the group purchasing organization participation agreements to patients who were not treated by the affiliated physicians. For example, the Cardinal Health invoices received by those pharmacies contained the following acknowledgment: "CUSTOMER DOES NOT AND WILL NOT REDISTRIBUTE PRESCRIPTION PHARMACEUTICAL PRODUCTS PURCHASED FROM CARDINAL INTO THE SECONDARY MARKET." The invoices also specified that RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy warrant that the purchased drugs were for "OWN USE."

[2] The federal Anti-Kickback Statute prohibits the offering, soliciting, payment, or receipt of remuneration in exchange for the referral of items and services that are paid for by federal health care programs such as Medicare and Medicaid. Since the statute is broad, Congress enacted safe harbor provisions to limit the reach of the statute to encourage beneficial cost savings to federal health care programs and their beneficiaries.

49. On behalf of the manufacturers, Cardinal Health also sent "contract summaries" on a frequent basis, notifying RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy that they were eligible to receive the discounted drug prices only if they were a physician, physician clinic, infusion center or closed door, on-site clinic pharmacy servicing its own patients. Thus, RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy were aware of the requirement that drugs purchased at discounted prices under these agreements could only be administered to the respective patients of the affiliated physicians.

50. RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy misrepresented to Cardinal Health that their accounts were established for oncology offices and infusion clinics overseen by the affiliated physicians for which they were merely facilitating those physicians' purchase of drugs for administration to their own respective patients.

51. RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy, signed and submitted certifications and declarations to Cardinal Health representing that the drugs purchased under the group purchasing organization participation agreements and the manufacturer distribution agreement were solely for the administration to the affiliated physicians' own respective patients and that they were an infusion or oncology clinic. For example, RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy represented and certified as part of the manufacturer distribution agreement that "[p]roducts purchased by the practice are only for dispensing to its patients in connection with, and on the same day as, the provision of treatment and/or evaluation and not for transfer, dispensing, or resale to any wholesaler, distributor, hospital, infusion center, or institution, within or outside of the U.S." Yet, drugs purchased at discounted prices by RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy were dispensed and resold to other physicians' patients.

52. From February 15, 2017 through October 28, 2019, RE Community Pharmacy and RE Pharmacy purchased 99 packages of Imbruvica and Xtandi at discounted prices, in connection with the group purchasing organization participation agreements, ostensibly for dispensing and administration to Dr. K.A.'s patients.

///

53. RE Community Pharmacy and RE Pharmacy stored and transferred 99 packages of Imbruvica and Xtandi to other commonly controlled pharmacies which dispensed them to patients who were not treated by Dr. K.A., even though those discounted oncology drugs were only available for dispensing and administration to Dr. K.A.'s patients.

54. From February 15, 2017 through October 28, 2019, RE Community Pharmacy and RE Pharmacy purchased 887 packages of Avastin, Herceptin and Actemra in connection with the manufacturer distribution agreement, ostensibly for dispensing and administration to Dr. K.A.'s patients. RE Pharmacy's technicians and clerks signed for and/or received certain of these drugs, rather than pharmacists.

55. RE Community Pharmacy and RE Pharmacy stored and transferred 832 packages of Avastin, Herceptin and Actemra to other commonly controlled pharmacies which in turn, dispensed them to patients who were not treated by Dr. K.A even though those discounted oncology drugs were only available for dispensing and administration to Dr. K.A.'s patients.

56. From February 15, 2017 through November 14, 2019, River's Edge Pharmacy purchased 621 packages of Actemra, Keytruda and Octagam in connection with the group purchasing organization participation agreements and the manufacturer distribution agreement, ostensibly for dispensing and administration to Dr. G.C.'s patients. River's Edge Pharmacy's technicians and clerks signed for and/or received certain of these drugs, rather than pharmacists.

57. River's Edge Pharmacy stored and transferred 597 packages of Actemra, Keytruda and Octagam to other commonly controlled pharmacies which in turn, dispensed them to patients who were not treated by Dr. G.C. even though those discounted oncology drugs were only available for dispensing and administration to Dr. G.C.'s patients.

58. From February 15, 2017 through November 14, 2019, River's Edge Pharmacy purchased 29 packages of Hyqvia and Keytruda in connection with the group purchasing organization participation agreements, ostensibly for dispensing and administration to Dr. W.B.'s patients.

59. River's Edge Pharmacy stored and transferred the packages of Hyqvia and Keytruda to other commonly controlled pharmacies which in turn, dispensed them to patients who were not

treated by Dr. W.B. even though those discounted oncology drugs were only available for dispensing and administration to Dr. W.B.'s patients.

60. On October 28, 2019, Cardinal Health placed the account affiliated with Dr. K.A. on a "no-ship" status after Dr. K.A. requested that Cardinal Health close his account because it had "become subject to fraudulent purchases in millions of dollars by Han.Sam Corporation for other doctors or resale, since January of 2019."

61. On November 20, 2019, Cardinal Health removed Dr. G.C.'s affiliation with River's Edge Pharmacy on his account and placed it on a "no-ship" status until Dr. G.C., and River's Edge Pharmacy complied with Cardinal Health's regulatory obligations under the federal Drug Supply Chain Security Act and California law.

62. On March 2, 2020, upon discovering five orders placed in February 2020 under Dr. W.B.'s account, Cardinal Health placed the account affiliated with Dr. W.B. on a "no-ship" status.

63. During the Board's investigation, Hany Benjamin, Genevieve Benjamin, Lisa Lufti and Fadi Ebeid falsely claimed that Cardinal Health encouraged them to enter into the aforementioned schemes.

64. More violations of Pharmacy Law were uncovered during the Board's investigations. The Board determined that River's Edge Pharmacy violated Pharmacy law when it transferred expired and unexpired oncology drugs, including Neupogen, Tasigna and Invokana from a person, V.A. whom the Board did not license as a wholesaler, third party logistics provider, or pharmacy and warehoused those drugs.

65. The Board also determined that Han.Sam, an unlicensed wholesaler violated Pharmacy Law when it purchased 1,588 packages of dangerous drugs from Cardinal Health from February 15, 2017 through January 15, 2019 and, sold, distributed and/or transferred those drugs to Re Community Pharmacy, owned by St. Cyril, Inc. In those same transactions, RE Community Pharmacy violated Pharmacy Law when it purchased and/or warehoused 1,588 packages of dangerous drugs from Han.Sam.

///

66. In its application, Mia Care Pharmacy did not disclose its relationship to the other Respondents under investigation with the Board.

FIRST CAUSE FOR DISCIPLINE

(Commission of Dishonest Fraudulent and Deceitful Acts Against All Respondents)

67. Respondents are subject to disciplinary action under Code section 4301, subdivision (f), for committing dishonest, fraudulent and deceitful acts, as described above in paragraphs 40 through 66 which are incorporated herein.

SECOND CAUSE FOR DISCIPLINE

(Knowingly Making or Signing Documents that Falsely Represent Facts Against All Respondents)

68. Respondents are subject to disciplinary action under Code section 4301, subdivision (g), for knowingly making or signing documents that falsely represent the existence or nonexistence of a state of facts, as described above in paragraphs 40 through 66 which are incorporated herein.

THIRD CAUSE FOR DISCIPLINE

(Aided and Abetted the Unlicensed Practice of Wholesaling Against Respondents Hany Benjamin and Genevieve Benjamin)

69. Respondents Hany Benjamin and Genevieve Benjamin are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4160, subdivision (a), because they aided and abetted Han.Sam's unlicensed wholesaler activity as defined by Business and Professions Code 4043, as described above in paragraphs 40 through 66 which are incorporated herein.

FOURTH CAUSE FOR DISCIPLINE

(Purchased and/or Warehoused Dangerous Drugs from Unlicensed Wholesaler Entity Against RE Community Pharmacy, Genevieve Benjamin and Lisa Lufti)

70. Respondents RE Community Pharmacy, Genevieve Benjamin and Lisa Lufti are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4169, subdivision (a)(1), because they purchased and/or

warehoused drugs from an entity unlicensed with the Board as a wholesaler, Han.Sam, as described above in paragraphs 40 through 66 which are incorporated herein.

FIFTH CAUSE FOR DISCIPLINE

(Transferred and Warehoused Expired and Unexpired Dangerous Drugs Against Respondents River's Edge Pharmacy and Fabi Ebeid)

71. Respondents River's Edge Pharmacy and Fabi Ebeid are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4169, subdivisions (a)(1) and (a)(4), because they transferred expired and unexpired dangerous drugs from a person, V.A. to River's Edge Pharmacy and warehoused those drugs, as described above in paragraphs 40 through 66 which are incorporated herein.

SIXTH CAUSE FOR DISCIPLINE

(Unauthorized Receipt of Drugs Against Respondents River's Edge Pharmacy, Fabi Ebeid, RE Pharmacy and Lisa Smith)

72. Respondents RE Pharmacy, Lisa Smith, River's Edge Pharmacy and Fabi Ebeid are subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code section 4059.5, subdivision (a), because they allowed pharmacy technicians and clerks to sign for and receive dangerous drugs, as described above in paragraphs 40 through 66 which are incorporated herein.

SEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct against All Respondents)

73. Respondents are subject to disciplinary action under Code section 4301 for unprofessional conduct because they engaged in the activities described above in paragraphs 40 through 66 which are incorporated herein.

OTHER MATTERS

74. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, it 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 55522 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

75. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Pharmacy, it 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 56970 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

76. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy, it 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 49157 is placed on probation or until the Pharmacy Permit is reinstated if it is revoked.

77. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No. PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, (b) Pharmacy Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Community Pharmacy and/or (c) Pharmacy Permit No. PHY 49157 issued to Han.Sam, doing business as River's Edge Pharmacy, while Hany Samuel Benjamin has been an owner or manager and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked.

78. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No. PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, (b) Pharmacy Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Community Pharmacy and/or (c) Pharmacy Permit No. PHY 49157 issued to Han.Sam, doing business as River's Edge Pharmacy while Genevieve Sabry Benjamin has been an owner or manager and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate,

or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy Permit is reinstated, if they are revoked.

79. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No. PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy and/or (b) Pharmacy Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Pharmacy while Lisa Nabieh Smith, aka Lisa Nabieh Lutfi has been a manager and had knowledge of or knowingly participated in any conduct for which the licensees were disciplined, she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked.

80. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy while Fabi Atef Nassar Ebeid has been a manager and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked.

81. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 58261 issued to Hany Samuel Benjamin, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is revoked.

82. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 58193 issued to Genevieve Sabry Benjamin, she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is revoked.

///

83. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 69812 issued to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi, she shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is revoked.

84. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No. RPH 69962 issued to Fadi Atef Nassar Ebeid, he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is revoked.

FIRST AMENDED STATEMENT OF ISSUES AGAINST:

RESELL PHARMACEUTICALS, LLC

CAUSE FOR DENIAL

(Various)

85. Respondent ReSell Pharmaceuticals, LLC's application is subject to denial for the facts alleged in the First Amended Accusation under Code sections 4300, subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating the statutes and regulations and engaging in the conduct referenced in the First Amended Accusation, which are incorporated herein by reference.

FIRST AMENDED STATEMENT OF ISSUES AGAINST:

ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY

CAUSE FOR DENIAL

(Various)

86. Respondent St. Cyril, Inc., dba Camino Capistrano Pharmacy's application is subject to denial for the facts alleged in the First Amended Accusation under Code sections 4300, subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating the statutes and regulations and engaging in the conduct referenced in the First Amended Accusation, which are incorporated herein by reference.

FIRST AMENDED STATEMENT OF ISSUES AGAINST:

MIA CARE, INC., DBA MIA CARE PHARMACY

87. Respondent Mia Care, Inc., dba Mia Care Pharmacy submitted an application for a community pharmacy permit to the Board. In its application, Mia Care Pharmacy reported that the parents of Respondent Genevieve Benjamin and the mother-in-law and father-in-law of Respondent Hany Benjamin, Mervat M. Abelmalik and Sabry S. Abdelmalik were the directors and officers of Respondent Mia Care, Inc., Mervat M. Abelmalik was to be the Pharmacist-in-Charge of Mia Care Pharmacy, and Mervat M. Abelmalik was the sole owner of Respondent Mia Care, Inc., dba Mia Care Pharmacy.

88. Respondent Mia Care, Inc., dba Mia Care Pharmacy did not disclose that Respondents Hany Benjamin and Genevieve Benjamin, who were under multiple Board investigations, were also owners of and/or held management or control over Respondent Mia Care, Inc., dba Mia Care Pharmacy including for example, arranging for Respondent Mia Care, Inc. to share a lease or premises with another of the pharmacies owned by Respondents Hany Benjamin and Genevieve Benjamin.

CAUSE FOR DENIAL

(Various)

89. Respondent Mia Care, Inc., dba Mia Care Pharmacy's application is subject to denial for the facts alleged in paragraphs 87-88 and in the First Amended Accusation under Code sections 4300, subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating the statutes and regulations and engaging in the conduct referenced in the First Amended Accusation, which are incorporated herein by reference.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 55522, issued to St. Cyril Inc., dba RE Community Pharmacy;

///

2. Revoking or suspending Pharmacy Permit Number PHY 56970, issued to Han.Sam Corp., dba RE Pharmacy;

3. Revoking or suspending Pharmacy Permit Number PHY 49157, issued to Han.Sam Corp., dba River's Edge Pharmacy;

4. Revoking or suspending Pharmacist License Number RPH 58261, issued to Hany Samuel Benjamin;

5. Revoking or suspending Pharmacist License Number RPH 58193, issued to Genevieve Sabry Benjamin;

6. Revoking or suspending Pharmacist License Number RPH 69812, issued to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi;

7. Revoking or suspending Pharmacist License Number RPH 69962, issued to Fadi Atef Nassar Ebeid;

8. Prohibiting St. Cyril, Inc., doing business as RE Community Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55522 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

9. Prohibiting Han.Sam Corp., doing business as RE Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 56970 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

10. Prohibiting St. Cyril, Inc., doing business as RE Community Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 55522 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

11. Prohibiting Hany Samuel Benjamin from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 49157, 55522 and/or 56970, are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;

12. Prohibiting Genevieve Sabry Benjamin from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 49157, 55522 and/or 56970 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;

13. Prohibiting Lisa Nabieh Smith, aka Lisa Nabieh Lutfi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Numbers PHY 55522 and/or 56970 are placed on probation or until the Pharmacy Permits are reinstated, if they are revoked;

14. Prohibiting Fadi Atef Nassar Ebeid from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 49157 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;

15. Prohibiting Hany Samuel Benjamin from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 58261 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

16. Prohibiting Genevieve Sabry Benjamin from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 58193 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

17. Prohibiting Lisa Nabieh Smith, aka Lisa Nabieh Lutfi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 69812 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

18. Prohibiting Fadi Atef Nassar Ebeid from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 69962 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;

19. Ordering St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve Sabry Benjamin, Lisa Nabieh Smith, aka Lisa Nabieh Lutfi and Fadi Atef Nassar Ebeid 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;

20. Denying the Application of Resell Pharmaceuticals, LLC for a wholesaler license;

21. Denying the Application of St. Cyril, Inc., dba Camino Capistrano Pharmacy for a pharmacy permit;

22. Denying the Application of Mia Care, Inc., dba Mia Care Pharmacy for a pharmacy permit; and,

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

DATED: 5/4/2022

Signature on File

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

SD2020300396
83357073.docx