

**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

A handwritten signature in black ink, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.
Board President

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

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

12 In the Matter of the Accusation Against:

Case No. 6934 and 6935

13 **ST. CYRIL INC.,**
14 **DBA RE COMMUNITY PHARMACY,**
15 **GENEVIEVE BENJAMIN, OWNER,**
16 **DIRECTOR AND OFFICER**
17 **2571 W. La Palma Ave., #A**
18 **Anaheim, CA 92801**

OAH No. 2021120024

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO FADI
ATEF NASSAR EBEID ONLY

19 **Pharmacy Permit No. PHY 55522,**

20 **HAN.SAM CORP.,**
21 **DBA RE PHARMACY,**
22 **HANY SAMUEL BENJAMIN, OWNER,**
23 **DIRECTOR AND OFFICER**
24 **2571 W. La Palma Avenue, Suite. A**
25 **Anaheim, CA 92801**

26 **Pharmacy Permit No. PHY 56970,**

27 **HAN.SAM CORP.,**
28 **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,

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:

Case No. 7022

ST. CYRIL INC.,
DBA CAMINO CAPISTRANO
PHARMACY

Applicant for Pharmacy Permit,

Respondent.

In the Matter of the Statement of Issues
Against:

Case No. 6929

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

Applicant for Wholesaler License,

Respondent.

1 In the Matter of the Statement of Issues
2 Against:

Case No. 7102

3 **MIA CARE INC.,**
4 **DBA MIA CARE PHARMACY**

5 **Applicant for Pharmacy Permit,**

6 Respondent.

7
8 IT IS HEREBY STIPULATED AND AGREED by and between Executive Officer Anne
9 Sodergren, Executive Officer and Respondent Fadi Atef Nassar Ebeid, parties to the above-
10 entitled proceedings that the following matters are true:

11 **PARTIES**

12 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
13 (Board). She brought this action solely in her official capacity and is represented in this matter by
14 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney
15 General.

16 2. Respondent Fadi Atef Nassar Ebeid is represented in this proceeding by attorney
17 Gary Wittenberg of Baranov & Wittenberg, LLP, whose address is: 1901 Avenue of the Stars,
18 Suite 1750, Los Angeles, CA 90067 and by attorney Herbert L. Weinberg of Fenton Law Group,
19 whose address is: 1990 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

20 3. On or about October 10, 2013, the Board issued Pharmacist License Number RPH
21 69962 to Fadi Atef Nassar Ebeid (Respondent Ebeid). The Pharmacist License was in full force
22 and effect at all times relevant to the charges brought herein and will expire on July 31, 2023,
23 unless renewed.

24 **JURISDICTION**

25 4. First Amended Accusation Nos. 6934 and 6935 was filed before the Board, and is
26 currently pending against Respondent Ebeid. The First Amended Accusation and all other
27 statutorily required documents were properly served on Respondent Ebeid on May 4, 2022.
28 Respondent Ebeid timely filed his Notice of Defense contesting the First Amended Accusation.

1 5. A copy of First Amended Accusation Nos. 6934 and 6935 and First Amended
2 Statements of Issues No. 7022, 6929 and 7102 is attached as Exhibit A and incorporated herein
3 by reference.

4 **ADVISEMENT AND WAIVERS**

5 6. Respondent Ebeid has carefully read, fully discussed with counsel, and understands
6 the charges and allegations in First Amended Accusation No. 6934 and 6935. Respondent Ebeid
7 has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated
8 Settlement and Disciplinary Order.

9 7. Respondent Ebeid is fully aware of his legal rights in this matter, including the right
10 to a hearing on the charges and allegations in the First Amended Accusation; the right to confront
11 and cross-examine the witnesses against him; the right to present evidence and to testify on his
12 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
13 production of documents; the right to reconsideration and court review of an adverse decision;
14 and all other rights accorded by the California Administrative Procedure Act and other applicable
15 laws.

16 8. Respondent Ebeid voluntarily, knowingly, and intelligently waives and gives up each
17 and every right set forth above.

18 **CULPABILITY**

19 9. Respondent Ebeid understands and agrees that the charges and allegations in First
20 Amended Accusation Nos. 6934 and 6935, if proven at a hearing, constitute cause for imposing
21 discipline upon his Pharmacist License.

22 10. For the purpose of resolving the First Amended Accusation without the expense and
23 uncertainty of further proceedings, Respondent Ebeid agrees that, at a hearing, Complainant could
24 establish a factual basis for the charges in the First Amended Accusation, and that Respondent
25 Ebeid hereby gives up his right to contest those charges.

26 11. Respondent Ebeid agrees that his Pharmacist License is subject to discipline and he
27 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
28 below.

CONTINGENCY

12. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent Ebeid understands and agrees 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 Respondent Ebeid or his counsel. By signing the stipulation, Respondent Ebeid understands and agrees that he may not withdraw his 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.

13. 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.

14. 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.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 69962 issued to Respondent Fadi Atef Nassar Ebeid is revoked. However, the revocation is stayed and Respondent Ebeid is placed on probation for three (3) years on the following terms and conditions:

1 **1. Obey All Laws**

2 Respondent Ebeid shall obey all state and federal laws and regulations.

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

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

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

17 **2. Report to the Board**

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

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

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1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

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

14 **5. Continuing Education**

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

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

18 During the period of probation, respondent Ebeid shall notify all present and prospective
19 employers of the decision in case numbers 6934 and 6935 and the terms, conditions and
20 restrictions imposed on respondent Ebeid by the decision, as follows:

21 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
22 undertaking any new employment, respondent Ebeid shall report to the board in writing the name,
23 physical address, and mailing address of each of his employer(s), and the name(s) and telephone
24 number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in- charge, designated
25 representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work
26 schedule, if known. Respondent Ebeid shall also include the reason(s) for leaving the prior
27 employment. Respondent Ebeid shall sign and return to the board a written consent authorizing
28 the board or its designee to communicate with all of respondent Ebeid's employer(s) and

1 supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the board
2 or its designee, concerning respondent Ebeid's work status, performance, and monitoring. Failure
3 to comply with the requirements or deadlines of this condition shall be considered a violation of
4 probation.

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

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

23 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
24 (15) days of respondent Ebeid undertaking any new employment by or through an employment
25 service, respondent Ebeid shall cause the person(s) described in (a), (b), and (c) above at the
26 employment service to report to the board in writing acknowledging that he or she has read the
27 decision in case numbers 6934 and 6935, and the terms and conditions imposed thereby. It shall
28

1 be respondent Ebeid's responsibility to ensure that these acknowledgment(s) are timely submitted
2 to the board.

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

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

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

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

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

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

16 During the period of probation, respondent Ebeid shall not supervise any intern pharmacist
17 except at River's Edge Pharmacy, be the pharmacist-in-charge, designated representative-in-
18 charge, responsible manager or other compliance supervisor of any entity licensed by the board,
19 nor serve as a consultant, other than be the Pharmacist-in-Charge of Rivers' Edge Pharmacy.
20 Assumption of any such unauthorized supervision responsibilities shall be considered a violation
21 of probation.

22 **9. Administrative Fine**

23 Respondent Ebeid shall pay an administrative fine to the Board in the amount of \$3,500 in a
24 payment plan approved by the Board or its designee. There shall be no deviation from this
25 schedule absent prior written approval by the board or its designee. Failure to pay the
26 administrative fine by the deadline(s) as directed shall be considered a violation of probation.
27 Respondent Ebeid shall be permitted to pay the fine in a payment plan approved by the board or
28

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 Ebeid 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 Ebeid 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 Ebeid'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 Ebeid'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 Ebeid cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent Ebeid 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 Ebeid 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 Ebeid's license history with the board.

Upon acceptance of the surrender, respondent Ebeid 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 Ebeid may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent Ebeid 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 Ebeid shall, at all times while on probation, be employed as a pharmacist in California for a minimum of 100 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 Ebeid 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 Ebeid does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), respondent Ebeid 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 Ebeid will resume practice at the required level. Respondent Ebeid 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 Ebeid'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 Ebeid 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 Ebeid that probation shall automatically be extended, until all terms and conditions

1 have been satisfied or the board has taken other action as deemed appropriate to treat the failure
2 to comply as a violation of probation, to terminate probation, and to impose the penalty that was
3 stayed. The board or its designee may post a notice of the extended probation period on its
4 website.

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

13 **15. Completion of Probation**

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

16 **16. Remedial Education**

17 Within sixty (60) days of the effective date of this decision, respondent Ebeid shall submit
18 to the board or its designee, for prior approval, an appropriate program of remedial education
19 related to pharmacy law, the role of a pharmacist-in-charge and pharmacy operations. The
20 program of remedial education shall consist of at least 6 hours each year of probation with fifty
21 (50) percent of the remedial education program completed by respondent Ebeid in-person or
22 during a live webinar. All remedial education shall be completed at respondent Ebeid's own
23 expense. All remedial education shall be in addition to, and shall not be credited toward,
24 continuing education (CE) courses used for license renewal purposes for pharmacists.

25 Failure to timely submit for approval or complete the approved remedial education shall be
26 considered a violation of probation. The period of probation will be automatically extended until
27 such remedial education is successfully completed and written proof, in a form acceptable to the
28 board, is provided to the board or its designee.

1 Following the completion of each course, the board or its designee may require the
2 respondent Ebeid, at his own expense, to take an approved examination to test the respondent's
3 knowledge of the course. If the respondent Ebeid does not achieve a passing score on the
4 examination that course shall not count towards satisfaction of this term. Respondent Ebeid shall
5 take another course approved by the board in the same subject area.

6 **17. Ethics Course**

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

16 **18. No Ownership or Management of Licensed Premises**

17 Respondent Ebeid shall not own, have any legal or beneficial interest in, nor serve as a
18 manager, administrator, member, officer, director, trustee, associate, or partner of any business,
19 firm, partnership, or corporation currently or hereinafter licensed by the board, other than be the
20 Pharmacist-in-Charge of River's Edge Pharmacy. Respondent Ebeid shall sell or transfer any
21 legal or beneficial interest in any entity licensed by the board within ninety (90) days following
22 the effective date of this decision and shall immediately thereafter provide written proof thereof
23 to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation
24 thereof shall be considered a violation of probation.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorneys, Gary Wittenberg and Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacist License. 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: _____
FADI ATEF NASSAR EBEID
Respondent

I have read and fully discussed with Respondent Fadi Atef Nassar Ebeid the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
GARY WITTENBERG
Attorney for Respondent

I have read and fully discussed with Respondent Fadi Atef Nassar Ebeid the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
HERBERT L. WEINBERG
Attorney for Respondent

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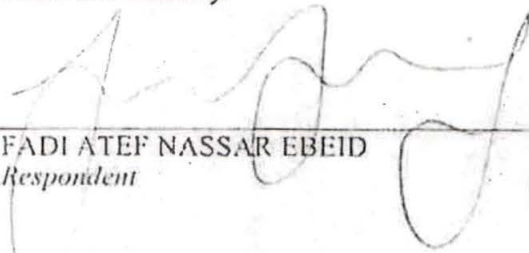
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1 ACCEPTANCE

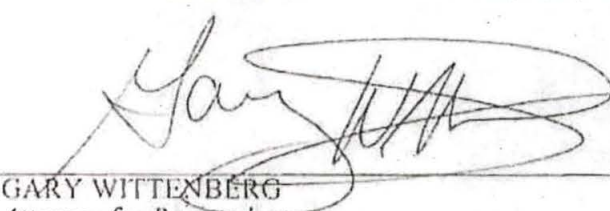
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3 discussed it with my attorneys, Gary Wittenberg and Herbert L. Weinberg. I understand the
4 stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Board of Pharmacy.

7
8 DATED: 6/7/2022


9 FADI ATEF NASSAR EBEID
10 Respondent

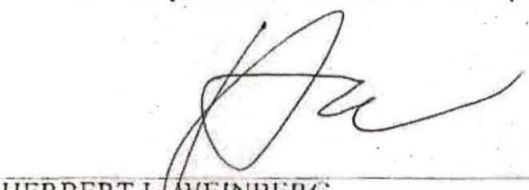
11 I have read and fully discussed with Respondent Fadi Atef Nassar Ebeid the terms and
12 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
13 I approve its form and content.

14
15 DATED: 6-7-22


16 GARY WITTENBERG
17 Attorney for Respondent

18 I have read and fully discussed with Respondent Fadi Atef Nassar Ebeid the terms and
19 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
20 I approve its form and content.

21
22 DATED: 6/8/2022


23 HERBERT L. WEINBERG
24 Attorney for Respondent

25 ///

26 ///

27 ///

28 ///

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

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ENDORSEMENT

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

DATED: 6/8/22

Respectfully submitted,

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

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

DIK:sdg
SD2020300396
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Exhibit A

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

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9
10 **BEFORE THE**
BOARD OF PHARMACY
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
12

13 In the Matter of the Accusation Against:

Case Nos. 6934 and 6935

14 **ST. CYRIL INC.,**
DBA RE COMMUNITY PHARMACY,
15 **GENEVIEVE BENJAMIN, OWNER,**
DIRECTOR AND OFFICER
16 **2571 W. La Palma Ave., #A**
Anaheim, CA 92801

FIRST AMENDED ACCUSATION

17 **Pharmacy Permit No. PHY 55522,**

18 **HAN.SAM CORP.,**
19 **DBA RE PHARMACY,**
HANY SAMUEL BENJAMIN, OWNER,
20 **DIRECTOR AND OFFICER**
2571 W. La Palma Avenue, Suite A
21 **Anaheim, CA 92801**

22 **Pharmacy Permit No. PHY 56970,**

23 **HAN.SAM CORP.,**
24 **DBA RIVERS EDGE PHARMACY**
HANY SAMUEL BENJAMIN, OWNER,
25 **DIRECTOR AND OFFICER**
36919 Cook Street, Suite 102
26 **Palm Desert, CA 92211**

27 **Pharmacy Permit No. PHY 49157,**
28

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.

In the Matter of the Statement of Issues
Against:

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

Applicant for Wholesaler License

Respondent.

Case No. 7022

**FIRST AMENDED STATEMENT OF
ISSUES**

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

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

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

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

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

19 10. On or about October 23, 2019, the Board received an application for a pharmacy
20 permit from St. Cyril, Inc. to do business as Camino Capistrano Pharmacy. On February 18,
21 2020, Camino Capistrano Pharmacy filed an amended application. Genevieve Benjamin was an
22 owner of outstanding shares, an officer and a director of St. Cyril, Inc. On or about July 29, 2019,
23 Genevieve Benjamin, on behalf of Camino Capistrano Pharmacy certified under penalty of
24 perjury to the truthfulness of all statements, answers, and representations in the application. On
25 or about August 4, 2020, the Board denied Camino Capistrano Pharmacy's application.

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

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

4 **JURISDICTION**

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

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

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

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

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

18 16. Code section 4300.1 states:

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

25 **STATUTORY AND REGULATORY PROVISIONS**

26 17. Code section 4022 states:

27 "Dangerous drug" or "dangerous device" means any drug or device unsafe for
28 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 distributor, 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.

1 24. Code section 4301 states in pertinent part:

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

6 ...

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

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

12 ...

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

15 ...

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

21 ...

22 25. Code section 4302 states:

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

28 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 licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

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.

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

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

5 **FACTUAL ALLEGATIONS**

6 40. RE Community Pharmacy was a closed door, specialty pharmacy¹ located in
7 Anaheim, California until it ceased doing business on January 16, 2019. Lisa Smith was the
8 Pharmacist-in-Charge.

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

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

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

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

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

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

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

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

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

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

26 ² The federal Anti-Kickback Statute prohibits the offering, soliciting, payment, or receipt
27 of remuneration in exchange for the referral of items and services that are paid for by federal
28 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.

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

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

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

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

28 ///

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 ///

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

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

3 **FIFTH CAUSE FOR DISCIPLINE**

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

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

11 **SIXTH CAUSE FOR DISCIPLINE**

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

14 72. Respondents RE Pharmacy, Lisa Smith, River's Edge Pharmacy and Fabi Ebeid are
15 subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating
16 Business and Professions Code section 4059.5, subdivision (a), because they allowed pharmacy
17 technicians and clerks to sign for and receive dangerous drugs, as described above in paragraphs
18 40 through 66 which are incorporated herein.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct against All Respondents)**

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

24 **OTHER MATTERS**

25 74. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
26 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, it shall be prohibited
27 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
28

1 of a licensee for five years if Pharmacy Permit Number PHY 55522 is placed on probation or
2 until the Pharmacy Permit is reinstated if it is revoked.

3 75. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
4 56970 issued to Han.Sam Corp., doing business as RE Pharmacy, it shall be prohibited from
5 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
6 licensee for five years if Pharmacy Permit Number PHY 56970 is placed on probation or until the
7 Pharmacy Permit is reinstated if it is revoked.

8 76. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
9 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy, it shall be prohibited
10 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
11 of a licensee for five years if Pharmacy Permit Number PHY 49157 is placed on probation or
12 until the Pharmacy Permit is reinstated if it is revoked.

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

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

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

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

11 80. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
12 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy while Fabi Atef
13 Nassar Ebeid has been a manager and had knowledge of or knowingly participated in any conduct
14 for which the licensee was disciplined, he shall be prohibited from serving as a manager,
15 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
16 the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is
17 revoked.

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

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

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

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

11 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

12 **RESELL PHARMACEUTICALS, LLC**

13 **CAUSE FOR DENIAL**

14 **(Various)**

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

20 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

21 **ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY**

22 **CAUSE FOR DENIAL**

23 **(Various)**

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

1 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

2 **MIA CARE, INC., DBA MIA CARE PHARMACY**

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

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

16 **CAUSE FOR DENIAL**

17 **(Various)**

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

23 **PRAYER**

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

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

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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;

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

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

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

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

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

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

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

1 19. Ordering St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE
2 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve
3 Sabry Benjamin, Lisa Nabieh Smith, aka Lisa Nabieh Lutfi and Fadi Atef Nassar Ebeid to pay the
4 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
5 pursuant to Business and Professions Code section 125.3;

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

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

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

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

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13 DATED: 5/4/2022

Signature on File

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

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