

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

In the Matter of the Accusation Against:

**GLENOAKS RX INC. DBA VERDUGO CARE PHARMACY;
SERJ SOUKAZ MARKARIAN, PRESIDENT/CEO**

Pharmacy Permit No. PHY 54451,

Respondent.

Agency Case No. 6964

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 May 12, 2021.

It is so ORDERED on April 12, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg Lippe", is written over the printed name and title.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
4 WILLIAM D. GARDNER
Deputy Attorney General
5 State Bar No. 244817
300 So. Spring Street, Suite 1702
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Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 6964

14 **GLENOAKS RX INC. dba VERDUGO**
15 **CARE PHARMACY; SERJ SOUKAZ**
16 **MARKARIAN, PRESIDENT/CEO**
17 **8905 Glenoaks Blvd.**
18 **Sun Valley, CA 91352**

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

19 **Pharmacy Permit No. PHY 54451,**

20 Respondent.

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

22 **PARTIES**

23 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
24 (Board). She brought this action solely in her official capacity and is represented in this matter by
25 Xavier Becerra, Attorney General of the State of California, by William D. Gardner, Deputy
26 Attorney General.

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2. Glenoaks Rx Inc. dba Verdugo Care Pharmacy is represented in this proceeding by attorney Herb L. Weinberg, whose address is 1990 S. Bundy Drive Suite 777, Los Angeles, CA 90025.

3. On or about October 28, 2016, the Board of Pharmacy issued Pharmacy Permit Number PHY 54451 to Glenoaks Rx Inc. dba Verdugo Care Pharmacy (Respondent). The Pharmacy Permit was canceled on October 14, 2018. At all times relevant to the allegations set forth in Accusation No. 6964, Serj Soukaz Markarian was Respondent's president, chief executive officer and majority shareholder.

JURISDICTION

4. Accusation No. 6964 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on October 8, 2020. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 6964 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 6964. Respondent also has carefully read, fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of its legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against it; the right to present evidence and to testify on its 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.

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

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1 **CULPABILITY**

2 8. Respondent understands that the charges and allegations in Accusation No. 6964, if
3 proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

4 9. For the purpose of resolving the Accusation without the expense and uncertainty of
5 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
6 basis for the charges in the Accusation and that those charges constitute cause for discipline.
7 Respondent hereby gives up their right to contest that cause for discipline exists based on those
8 charges.

9 10. Respondent understands that by signing this stipulation, it enables the Board to issue
10 an order accepting the surrender of its Pharmacy Permit without further process.

11 **CONTINGENCY**

12 11. This stipulation shall be subject to approval by the Board. Respondent understands
13 and agrees that counsel for Complainant and the staff of the Board may communicate directly
14 with the Board regarding this stipulation and surrender, without notice to or participation by
15 Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that
16 they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board
17 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
18 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
19 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
20 be disqualified from further action by having considered this matter.

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

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

14. 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 Order:

ORDER

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 54451, issued to Respondent Glenoaks Rx Inc. dba Verdugo Care Pharmacy, is surrendered and accepted by the Board.

1. The surrender of Respondent's Pharmacy Permit and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board.

2. Respondent shall lose all rights and privileges as a licensed pharmacy in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board its pocket license and, if one was issued, its wall certificate on or before the effective date of the Decision and Order.

4. Respondent may not apply, reapply, or petition for any licensure or registration of the Board for three (3) years from the effective date of the Decision and Order.

5. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as an application for new licensure. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked or surrendered license in effect at the time the application is filed, and all of the charges and allegations contained in Accusation No. 6964 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the application.

6. Respondent's president and chief executive officer, Serj Soukaz Markarian, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee until such time as Respondent obtains a new or reinstated license.

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7. Respondent shall pay the agency its 11 of investigation and enforcement in the amount of \$11,277.25 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herb L. Weinberg. I understand the stipulation and the effect it will have on me individually and on Glenoaks Rx Inc.'s Pharmacy Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

SERJ SOUKAZ MARKARIAN, individually
and as president and chief executive officer of
GLENOKS RX INC. DBA VERDUGO
CARE PHARMACY,
Respondent

I have read and fully discussed with Serj Soukaz Markarian the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

HERB L. WEINBERG
Attorney for Respondent

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7. Respondent shall pay the agency its 11 of investigation and enforcement in the amount of \$11,277.25 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney Herb L. Weinberg. I understand the stipulation and the effect it will have on me individually and on Glenoaks Rx Inc.'s Pharmacy Permit. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED:

3/9/21

SERJ SOUKAZ MARKARIAN, individually
and as president and chief executive officer of
GLENOAKS RX INC. DBA VERDUGO
CARE PHARMACY,
Respondent

I have read and fully discussed with Serj Soukaz Markarian the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED:

3/9/2024

HERB L. WEINBERG
Attorney for Respondent

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: _____

Respectfully submitted,

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

WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: 3/10/2021

Respectfully submitted,

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



WILLIAM D. GARDNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6964

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 WILLIAM D. GARDNER
Deputy Attorney General
4 State Bar No. 244817
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6292
6 Facsimile: (916) 731-2126
Attorneys for Complainant
7

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9 **BOARD OF PHARMACY**
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11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

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13 **GLENOAKS RX INC. dba VERDUGO**
14 **CARE PHARMACY; SERJ SOUKAZ**
15 **MARKARIAN, PRESIDENT/CEO**
16 **8905 Glenoaks Blvd.**
17 **Sun Valley, CA 91352**

ACCUSATION

18 **Pharmacy Permit No. PHY 54451,**

19 Respondent.

20 **PARTIES**

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

23 2. On or about October 28, 2016, the Board of Pharmacy issued Pharmacy Permit
24 Number PHY 54451 to Glenoaks Rx Inc. dba Verdugo Care Pharmacy (Respondent Pharmacy).
25 The Pharmacy Permit was canceled on October 14, 2018. At all times relevant to the allegations
26 set forth herein, Serj Soukaz Markarian was Respondent Pharmacy's president, chief executive
27 officer and majority shareholder. Pharmacist Maung Ye Htut Loo (PIC Loo) was the designated
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1 pharmacist-in-charge (PIC) of Respondent Pharmacy from January 2, 2018, to August 20, 2018,
2 and became a 49% shareholder in Respondent Pharmacy on May 1, 2018.

3 **JURISDICTION**

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

7 4. BPC section 4300.1 states:

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

14 5. BPC section 4301 states:

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

18 . . .

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

21 . . .

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

27 . . .

28 (q) Engaging in any conduct that subverts or attempts to subvert an
investigation of the board.

. . . .

6. BPC section 4081 states:

(a) All records of manufacture and of sale, acquisition, or disposition of
dangerous drugs or dangerous devices shall be at all times during business hours open
to inspection by authorized officers of the law, and shall be preserved for at least
three years from the date of making. A current inventory shall be kept by every
manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,
dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or

1 establishment holding a currently valid and unrevoked certificate, license, permit,
2 registration, or exemption under Division 2 (commencing with Section 1200) of the
3 Health and Safety Code or under Part 4 (commencing with Section 16000) of
4 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
5 drugs or dangerous devices.

6 (b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary
7 food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge
8 or representative-in-charge, for maintaining the records and inventory described in
9 this section.

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11 7. BPC section 4113, subdivision (c), states that “[t]he pharmacist-in-charge shall be
12 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining
13 to the practice of pharmacy.”

14 8. BPC section 4302 states:

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

19 9. BPC section 4307 states, in pertinent part:

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

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

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

5 . . .

6 10. BPC section 4329 states:

7 “Any nonpharmacist who takes charge of or acts as supervisor, manager, or pharmacist-in-
8 charge of any pharmacy, or who compounds or dispenses a prescription or furnishes dangerous
9 drugs except as otherwise provided in this chapter, is guilty of a misdemeanor.”

10 11. BPC section 4330, subdivision (b), states:

11 “Any pharmacy owner who commits any act that would subvert or tend to subvert the
12 efforts of the pharmacist-in-charge to comply with the laws governing the operation of the
13 pharmacy is guilty of a misdemeanor.”

14 12. BPC section 4332 states:

15 “Any person who fails, neglects, or refuses to maintain the records required by Section
16 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects,
17 or refuses to produce or provide the records within a reasonable time, or who willfully produces
18 or furnishes records that are false, is guilty of a misdemeanor.”

19 13. BPC section 4333, subdivision (a), states:

20 “All prescriptions filled by a pharmacy and all other records required by Section 4081 shall
21 be maintained on the premises and available for inspection by authorized officers of the law for a
22 period of at least three years. In cases where the pharmacy discontinues business, these records
23 shall be maintained in a board-licensed facility for at least three years.”

24 14. California Code of Regulations, title 16, section 1708.2, states:

25 “Any permit holder shall contact the board prior to transferring or selling any dangerous
26 drugs, devices or hypodermics inventory as a result of termination of business or bankruptcy
27 proceedings and shall follow official instructions given by the board applicable to the
28 transaction.”

1 **COST RECOVERY**

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

6 **FACTUAL BACKGROUND**

7 16. On September 5, 2018, the Board received a complaint from PIC Loo stating that, in
8 reviewing certain records related to a Medi-Cal audit of Respondent Pharmacy performed in
9 August 2018, he had discovered that Respondent Pharmacy and its CEO, Serj Soukaz Markarian
10 (Markarian), had been engaged in an insurance fraud scheme with respect to various high-priced
11 medications. Markarian is a former licensed pharmacist who surrendered his license while on
12 probation in 2014. Prior Board disciplinary actions against Markarian include Case No. 3601, *In*
13 *the Matter of the Accusation Against Serj Soukaz Markarian* (2011) and Case No. 4645, *In the*
14 *Matter of the Accusation and Petition to Revoke Probation Against Serj Soukaz Markarian*
15 (2013). According to PIC Loo's complaint, Respondent Pharmacy and Markarian were
16 unlawfully taking back previously dispensed medications and were also billing for brand name
17 medications while dispensing generics. During the course of its investigation into PIC Loo's
18 complaint, the Board documented a number of violations that warrant disciplinary action, as set
19 forth below.

20 17. On or about November 8, 2018, the Board received a Discontinuation of Business
21 form from Respondent Pharmacy indicating that it had ceased operation on October 14, 2018.
22 The Discontinuation of Business form was signed by Markarian under penalty of perjury as to its
23 truth and accuracy. The Discontinuation of Business form, signed by Markarian on October 18,
24 2018, indicated that an inventory of Respondent Pharmacy's dangerous drug stock had been
25 conducted September 18, 2018, and that the drug inventory was going to be transferred to another
26 pharmacy located in Huntington Beach, California. In actuality, however, Respondent Pharmacy
27 had already transferred its dangerous drug inventory to the other pharmacy prior to notifying the
28 Board of its intention to do so in violation of state law. Further, the Discontinuation of Business

1 form indicated that, in compliance with state law, all of Respondent Pharmacy's records of
2 acquisition and disposition of dangerous drugs for the two (2) years that it had been in operation
3 would be maintained for three (3) years by the Board-licensed pharmacy located at 303 S.
4 Glenoaks Blvd. in Burbank, California (i.e., Glenoaks Rx Pharmacy). Respondent Pharmacy
5 failed to furnish Glenoaks Rx Pharmacy with access to all such acquisition and disposition
6 records as was required by state law.

7 18. While investigating PIC Loo's complaint against Respondent Pharmacy, an inspector
8 with the Board sought to conduct an audit of Respondent Pharmacy's acquisition and disposition
9 of certain dangerous drugs. Accordingly, on or about November 9, 2018, the Board inspector
10 requested that Markarian provide Respondent Pharmacy's drug acquisition and disposition
11 records for the two (2) years that it had been in operation. Markarian failed to provide those
12 records, falsely claiming that he could no longer obtain them from an electronic database
13 maintained by pharmacy management software company Digital Rx. Multiple times thereafter,
14 the inspector sought to obtain Respondent Pharmacy's acquisition and disposition records from
15 Markarian, but Markarian never provided them.

16 19. The inspector was eventually able to obtain copies of Respondent Pharmacy's
17 acquisition and disposition records from an attorney for PIC Loo who had obtained them by
18 subpoena in separate civil litigation. The Board inspector was also able to obtain and analyze
19 records from wholesalers and reverse distributors in order to perform an audit related to
20 Respondent Pharmacy's acquisition and disposition of six (6) high-priced prescription drugs that
21 were among those identified in PIC Loo's complaint. The audit revealed that Respondent
22 Pharmacy had sold far more of those drugs than it had purchased through verifiably legal means.
23 For example, the records showed that Respondent Pharmacy had been paid a total of \$131,311
24 from insurance companies for its sale of 83 Invega Sustenna 234 mg syringe kits, yet there were
25 no records to support Respondent Pharmacy's lawful acquisition of 36 (or 43%) of those 83
26 syringe kits. Likewise, there were no records to support Respondent Pharmacy's lawful
27 acquisition of just over 10% of the 156 Invega Sustenna 156 mg syringe kits that it had sold for a
28 total of \$212,068. The audit also revealed that Respondent Pharmacy had received more than

1 \$130,000 from insurance companies for its sale of thousands of Abilify tablets for which there
2 were no acquisition records. Specifically, there were no records to support Respondent
3 Pharmacy's lawful acquisition of 621 (or 70%) of the 891 Abilify 10 mg tablets it had sold, 1220
4 (or 57%) of the 2150 of the Abilify 15 mg it had sold, 1175 (or 61%) of the 1925 of the Abilify
5 20 mg it had sold or 691 (or 72%) of the 961 of the Abilify 30 mg it had sold.

6 20. Further, the Board's investigation revealed that Markarian, a non-pharmacist,
7 unlawfully acted as a supervisor and/or manager of Respondent Pharmacy and engaged in
8 conduct that subverted or would tend to subvert the efforts of the pharmacist-in-charge by, among
9 other things, controlling PIC Loo's access to Respondent Pharmacy's pharmacy management
10 software system and ignoring PIC Loo's admonition that the pharmacy refrain from taking back
11 previously dispensed medications.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Violation of Pharmacy Law: Acquisition Records)**

14 21. Respondent Pharmacy is subject to disciplinary action under BPC sections 4301,
15 subdivision (o), and 4113, subdivision (c), in conjunction with BPC sections 4081 and 4333,
16 subdivision (a), in that Respondent failed to maintain acquisition records related to dozens of
17 Invega Sustenna syringe kits and thousands of Abilify tablets. Complainant refers to, and by this
18 reference incorporates, the allegations set forth above in paragraphs 16 through 20, inclusive, as
19 though set forth fully herein.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Violation of Pharmacy Law: Transfer of Inventory)**

22 22. Respondent Pharmacy is subject to disciplinary action under BPC section 4301,
23 subdivision (o), in conjunction with California Code of Regulations, title 16, section 1708.2, in
24 that Respondent Pharmacy transferred and/or sold its drug inventory to another pharmacy upon its
25 discontinuance of business prior to notifying the Board of the proposed inventory sale/transfer.
26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraphs 16 through 20, inclusive, as though set forth fully herein.

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THIRD CAUSE FOR DISCIPLINE

(Misconduct by Owner: Signing Document with False Representation)

23. Respondent Pharmacy is subject to disciplinary action under BPC section 4302 in conjunction with BCC section 4301, subdivision (g), in that Markarian knowingly signed a Discontinuation of Business form under penalty of perjury that contained false representations regarding the transfer of Respondent Pharmacy's drug inventory and the maintenance of its drug acquisition and disposition records upon its discontinuation of business. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 16 through 20, inclusive, as though set forth fully herein.

FOURTH CAUSE FOR DISCIPLINE

(Misconduct by Owner: Failure to Provide Acquisition and Disposition Records)

24. Respondent Pharmacy is subject to disciplinary action under BPC section 4302 in conjunction with BPC sections 4301, subdivision (o), 4081 and 4332 in that Markarian failed to provide drug acquisition and disposition records despite multiple requests from the Board inspector that he do so. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 16 through 20, inclusive, as though set forth fully herein.

FIFTH CAUSE FOR DISCIPLINE

(Misconduct by Owner: Subversion of Board Investigation)

25. Respondent Pharmacy is subject to disciplinary action under BPC section 4302 in conjunction with BPC sections 4301, subdivision (q), 4081 and 4033 in that Markarian engaged in conduct that subverted or attempted to subvert the Board's investigation by falsely claiming that he could not obtain access to drug acquisition and disposition records and failing to provide those records despite repeated requests from the Board that he do so. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 16 through 20, inclusive, as though set forth fully herein.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Misconduct by Owner: Subversion of PIC)**

3 26. Respondent Pharmacy is subject to disciplinary action under BPC section 4302 in
4 conjunction with BPC sections 4301, subdivision (o), and 4330, subdivision (b), in that
5 Markarian engaged in conduct that subverted or tended to subvert the efforts of PIC Loo to
6 comply with the laws governing the operation of the pharmacy. Complainant refers to, and by
7 this reference incorporates, the allegations set forth above in paragraphs 16 through 20, inclusive,
8 as though set forth fully herein.

9 **SEVENTH CAUSE FOR DISCIPLINE**

10 **(Misconduct by Owner: Non-Pharmacist Acting as Supervisor/Manager)**

11 27. Respondent Pharmacy is subject to disciplinary action under BPC section 4302 in
12 conjunction with BPC sections 4301, subdivision (o), 4113, subdivision (c), and 4329 in that
13 Markarian, a non-pharmacist, was allowed to be in charge of Respondent Pharmacy and/or to
14 operate as a supervisor or manager of the pharmacy. Complainant refers to, and by this reference
15 incorporates, the allegations set forth above in paragraphs 16 through 20, inclusive, as though set
16 forth fully herein.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct)**

19 28. Respondent Pharmacy is subject to disciplinary action under BPC section 4302 in
20 conjunction with BPC sections 4301 and 4113, subdivision (c), in that Respondent engaged in
21 unprofessional conduct with respect to the operation of a pharmacy. Complainant refers to, and
22 by this reference incorporates, the allegations set forth above in paragraphs 16 through 27,
23 inclusive, as though set forth fully herein.

24 **OTHER MATTERS**

25 29. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY
26 54451 issued to Glenoaks Rx, Inc., then Glenoaks Rx, Inc. shall be prohibited from serving as a
27 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for

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1 five years if Pharmacy Permit Number PHY 54451 is placed on probation or until Pharmacy
2 Permit Number PHY 54451 is reinstated if it is revoked.

3 30. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY
4 54451 issued to Glenoaks Rx, Inc., then Serj Soukaz Markarian shall be prohibited from serving
5 as a manager, administrator, owner, member, officer, director, associate, or partner of a
6 licensee for five years if Pharmacy Permit Number PHY 54451 is placed on probation or until
7 Pharmacy Permit Number PHY 54451 is reinstated if it is revoked.

8 **PRAYER**

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

11 1. Revoking or suspending Pharmacy Permit Number PHY 54451, issued to Glenoaks
12 Rx Inc.;

13 2. Pursuant to Business and Professions Code section 4307, prohibiting Glenoaks Rx,
14 Inc. from serving as a manager, administrator, owner, member, officer, director, associate, or
15 partner of a licensee for five years if Pharmacy Permit Number PHY 54451 is placed on
16 probation or until Pharmacy Permit Number PHY 54451 is reinstated if Pharmacy Permit
17 Number PHY 54451 issued is revoked;

18 3. Pursuant to Business and Professions Code section 4307, prohibiting Serj Soukaz
19 Markarian from serving as a manager, administrator, owner, member, officer, director, associate,
20 or partner of a licensee for five years if Pharmacy Permit Number PHY 54451 is placed on
21 probation or until Pharmacy Permit Number PHY 54451 is reinstated if Pharmacy Permit
22 Number PHY 54451 issued is revoked;

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2 4. Ordering Glenoaks Rx, Inc. to pay the Board of Pharmacy the reasonable costs of the
3 investigation and enforcement of this case, pursuant to Business and Professions Code section
4 125.3; and,

5 5. Taking such other and further action as deemed necessary and proper.
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8 DATED: 9/19/2020

Anne Sodergren

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

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