

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

In the Matter of the Accusation Against:

**A G & Y ENTERPRISES INC., DBA OWL WESTERN PHARMACY;
MAHER FAHIM AWAD, Chief Executive Officer, Shareholder and
Director; KAMAL HELMY YOUSEF, Vice President, Shareholder and
Director; MAGED TALAT GINDI, Treasurer/ Chief Financial Officer,
Shareholder, Director and Secretary,**

Original Pharmacy Permit No. PHY 53855,

and

MAHER FAHIM AWAD,

Original Pharmacist License No. RPH 39226,

Respondents.

Agency Case No. 7001

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 November 10, 2021.

It is so ORDERED on October 11, 2021.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly distinguishable.

Seung W. Oh, Pharm.D.
Board President

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

12
13 In the Matter of the Accusation Against:

Case No. 7001

14 **A G & Y ENTERPRISES INC., DBA OWL**
WESTERN PHARMACY; MAHER
15 **FAHIM AWAD, Chief Executive Officer,**
Shareholder and Director; KAMAL
16 **HELMY YOUSEF, Vice President,**
Shareholder and Director; MAGED
17 **TALAT GINDI, Treasurer/Chief Financial**
Officer, Shareholder, Director and
18 **Secretary**
1009 W. San Bernardino Road
19 Covina, CA 91722

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

20 Original Pharmacy Permit License No. PHY
53855,

21 **and**

22 **MAHER FAHIM AWAD**
23 2536 Roundhill Circle
Placerville, CA 95667

24 Original Pharmacist License No. RPH 39226

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

3 **PARTIES**

4 1. Anne Sodergren is the Executive Officer of the Board of Pharmacy. She brought this
5 action solely in her official capacity and is represented in this matter by Rob Bonta, Attorney
6 General of the State of California, by Elaine Yan, Deputy Attorney General.

7 2. Respondents A G & Y Enterprises Inc., dba Owl Western Pharmacy and Maher
8 Fahim Awad are represented in this proceeding by attorney Sansan Lin and Joseph LaMagna,
9 whose address is: Hooper, Lundy & Bookman, 1875 Century Park East, Suite 1600, Los
10 Angeles, CA 90067-2517.

11 3. On or about November 1, 2016, the board issued Original Pharmacy Permit License
12 Number PHY 53855 to A G & Y Enterprises Inc., dba Owl Western Pharmacy; Maher Fahim
13 Award, President, 40% Shareholder, Chief Executive Officer and Director; Kamal Helmy Yousef,
14 Vice President, 40% Shareholder and Director; and Maged Talat Gindi, Treasurer/Chief Financial
15 Officer, 20% Shareholder, Director and Secretary (Pharmacy). The Original Pharmacy Permit
16 License was in full force and effect at all times relevant to the charges brought in Accusation No.
17 7001 and will expire on November 1, 2021, unless renewed.

18 4. On or about March 14, 1985, the board issued Original Pharmacist License Number
19 RPH 39226 to Maher Fahim Awad (Awad). The Original Pharmacist License was in full force
20 and effect at all times relevant to the charges brought in Accusation No. 7001 and will expire on
21 April 30, 2022, unless renewed. Respondent Awad has been the Pharmacist-in-Charge at
22 Respondent Pharmacy since May 1, 2017.

23 **JURISDICTION**

24 5. Accusation No. 7001 was filed before the Board, and is currently pending against
25 Respondents. The Accusation and all other statutorily required documents were properly served
26 on respondents on November 23, 2020. Respondents timely filed their Notice of Defense
27 contesting the Accusation.

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1 6. A copy of Accusation No. 7001 is attached as exhibit A and incorporated herein by
2 reference.

3 **ADVISEMENT AND WAIVERS**

4 7. Respondents have carefully read, fully discussed with counsel, and understand the
5 charges and allegations in Accusation No. 7001. Respondents have also carefully read, fully
6 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
7 Order.

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

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

16 **CULPABILITY**

17 10. Respondents understand and agree that the charges and allegations in Accusation No.
18 7001, if proven at a hearing, constitute cause for imposing discipline upon their Original
19 Pharmacy Permit License and Original Pharmacist License.

20 11. For the purpose of resolving the Accusation without the expense and uncertainty of
21 further proceedings, respondents agree that, at a hearing, complainant could establish a factual
22 basis for the charges in the Accusation, and that Respondents hereby give up their right to contest
23 those charges.

24 12. Respondents agree that their Original Pharmacy Permit License and Original
25 Pharmacist License are subject to discipline and they agree to be bound by the board's
26 probationary terms as set forth in the Disciplinary Order below.

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CONTINGENCY

13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents understand and agree that counsel for complainant and the staff of the Board of Pharmacy may communicate directly with the board regarding this stipulation and settlement, without notice to or participation by respondents or their counsel. By signing the stipulation, respondents understand and agree that they may not withdraw their agreement or seek to rescind the stipulation prior to the time the board considers and acts upon it. If the board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the board shall not be disqualified from further action by having considered this matter.

14. 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.

15. 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.

16. 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 Original Pharmacy Permit License No. PHY 53855 issued to respondent A G & Y Enterprises Inc., dba Owl Western Pharmacy is revoked. However, the revocation is stayed and respondent is placed on probation for three (3) years on the following terms and conditions:

1 **1. Definition: Respondent**

2 For the purposes of these terms and conditions, “respondent” shall refer to A G & Y
3 Enterprises Inc., dba Owl Western Pharmacy. All terms and conditions stated herein shall bind
4 and be applicable to the licensed premises and to all owners, managers, officers, administrators,
5 members, directors, trustees, associates, or partners thereof. For purposes of compliance with any
6 term or condition, any report, submission, filing, payment, or appearance required to be made by
7 respondent to or before the board or its designee shall be made by an owner or executive officer
8 with authority to act on behalf of and legally bind the licensed entity.

9 **2. Obey All Laws**

10 Respondent shall obey all state and federal laws and regulations.

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

- 13 • an arrest or issuance of a criminal complaint for violation of any provision of the
14 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
15 substances laws
- 16 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
17 criminal proceeding to any criminal complaint, information or indictment
- 18 • a conviction of any crime
- 19 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another
20 administrative action filed by any state or federal agency which involves
21 respondent’s Original Pharmacy Permit License No. PHY 53855 or which is related
22 to the practice of pharmacy or the manufacturing, obtaining, handling, distributing,
23 billing, or charging for any drug, device or controlled substance.

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

25 **3. Report to the Board**

26 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
27 designee. The report shall be made either in person or in writing, as directed. Among other
28 requirements, respondent shall state in each report under penalty of perjury whether there has

1 been compliance with all the terms and conditions of probation.

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

7 **4. Interview with the Board**

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

13 **5. Cooperate with Board Staff**

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

20 **6. Reimbursement of Board Costs**

21 As a condition precedent to successful completion of probation, respondent A G & Y
22 Enterprises Inc. and respondent Awad shall be jointly and severally responsible to pay to the
23 board its costs of investigation and prosecution in the total amount of \$19,317.50. Respondents
24 shall make said payments as follows: Within ninety (90) days from the date of the Decision and
25 Order.

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

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

7. Probation Monitoring Costs

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

8. Status of License

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

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

9. License Surrender While on Probation/Suspension

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

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

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

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1 **10. Sale or Discontinuance of Business**

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

10 **11. Notice to Employees**

11 Respondent shall, upon or before the effective date of this decision, ensure that all
12 employees involved in permit operations are made aware of all the terms and conditions of
13 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
14 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
15 remain posted throughout the probation period. Respondent shall ensure that any employees hired
16 or used after the effective date of this decision are made aware of the terms and conditions of
17 probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit
18 written notification to the board, within fifteen (15) days of the effective date of this decision, that
19 this term has been satisfied. Failure to timely provide such notification to employees, or to timely
20 submit such notification to the board shall be considered a violation of probation.

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

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

25 Respondent shall provide, within thirty (30) days after the effective date of this decision,
26 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
27 or more of the interest in respondent or respondent's stock, and all of its officer, stating under
28 penalty of perjury that said individuals have read and are familiar with state and federal laws and

1 regulations governing the practice of pharmacy. The failure to timely provide said statements
2 under penalty of perjury shall be considered a violation of probation.

3 **13. Premises Open for Business**

4 Respondent shall remain open and engaged in its ordinary business as a pharmacy in
5 California for a minimum of 120 hours per calendar month. Any month during which this
6 minimum is not met shall toll the period of probation, i.e., the period of probation shall be
7 extended by one month for each month during with this minimum is not met. During any such
8 period of tolling of probation, respondent must nonetheless comply with all terms and conditions
9 of probation, unless respondent is informed otherwise in writing by the board or its designee. If
10 respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 120
11 hours in any calendar month, for any reason (including vacation), respondent shall notify the
12 board in writing within ten (10) days of the conclusion of that calendar month. This notification
13 shall include at minimum all of the following: the date(s) and hours respondent was open; the
14 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
15 which respondent will resume business as required. Respondent shall further notify the board in
16 writing with ten (10) days following the next calendar month during which respondent is open
17 and engaged in its ordinary business as a pharmacy in California for a minimum of 120 hours.
18 Any failure to timely provide such notification(s) shall be considered a violation of probation.

19 **14. Posted Notice of Probation**

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

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

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1 **15. Violation of Probation**

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

7 If respondent violates probation in any respect, the board, after giving respondent notice
8 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
9 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
10 probation, the board shall have continuing jurisdiction and the period of probation shall be
11 automatically extended until the petition to revoke probation or accusation is heard and decided,
12 and the charges and allegations in Accusation No. 7001 shall be deemed true and correct.

13 **16. Completion of Probation**

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

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

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

22 This provision does not apply to Kamal Helmy Yousef and Maged Talat Gindi.

23 **18. Consultant Review of Pharmacy Operations**

24 During the period of probation, respondent shall retain an independent consultant at its
25 own expense who shall be responsible for conducting an inspection to review the operations of
26 respondent's pharmacy on a quarterly basis for compliance by respondent with state and federal
27 laws and regulations governing the practice of pharmacy. During the period of probation, the
28 board or its designee retains the discretion to modify the frequency of the inspection of the

1 pharmacist consultant's review.

2 The consultant shall be a pharmacist licensed by and not on probation with the Board
3 and whose name shall be submitted to the Board or its designee, for prior approval, within
4 thirty (30) days of the effective date of this decision.

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

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 39226 issued to
9 respondent Maher Fahim Awad (Awad) is revoked. However, the revocation is stayed and
10 respondent Awad is placed on probation for three (3) years on the following terms and conditions:

11 **1. Obey All Laws**

12 Respondent Awad shall obey all state and federal laws and regulations.

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

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

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

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1 2. **Report to the Board**

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

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

11 3. **Interview with the Board**

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

17 4. **Cooperate with Board Staff**

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

25 5. **Continuing Education**

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

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

2 During the period of probation, respondent Awad shall notify all present and prospective
3 employers of the decision in case number 7001 and the terms, conditions and restrictions imposed
4 on respondent Awad by the decision, as follows:

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

17 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days
18 of respondent Awad undertaking any new employment, respondent Awad shall cause (a) his
19 direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible
20 manager, or other compliance supervisor, and (c) the owner or owner representative of his
21 employer, to report to the board in writing acknowledging that the listed individual(s) has/have
22 read the decision in case number 7001, and terms and conditions imposed thereby. If one person
23 serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It
24 shall be the respondent Awad's responsibility to ensure that these acknowledgment(s) are timely
25 submitted to the board. In the event of a change in the person(s) serving the role(s) described in
26 (a), (b), or (c) during the term of probation, respondent Awad shall cause the person(s) taking
27 over the role(s) to report to the board in writing within fifteen (15) days of the change
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1 acknowledging that he or she has read the decision in case number 7001, and the terms and
2 conditions imposed thereby.

3 If respondent Awad works for or is employed by or through an employment service,
4 respondent Awad must notify the person(s) described in (a), (b), and (c) above at every entity
5 licensed by the board of the decision in case number 7001, and the terms and conditions
6 imposed thereby in advance of respondent Awad commencing work at such licensed entity. A
7 record of this notification must be provided to the board upon request.

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

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

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

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

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

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

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

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

7 **9. Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, respondent Awad and
9 respondent A G & Y Enterprises Inc. shall be jointly and severally responsible to pay to the board
10 its costs of investigation and prosecution in the total amount of \$19,317.50. Respondents shall
11 make said payments as follows: Within ninety (90) days from the date of the Decision and Order.

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

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

18 **10. Probation Monitoring Costs**

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

23 **11. Status of License**

24 Respondent Awad shall, at all times while on probation, maintain an active, current
25 pharmacist license with the board, including any period during which suspension or probation is
26 tolled. Failure to maintain an active, current pharmacist license shall be considered a violation
27 of probation.

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

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

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

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

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

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

28 ///

1 If respondent Awad does not practice as a pharmacist in California for the minimum
2 number of 80 hours in any calendar month, for any reason (including vacation), respondent Awad
3 shall notify the board in writing within ten (10) days of the conclusion of that calendar month.
4 This notification shall include at least: the date(s), location(s), and hours of last practice; the
5 reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which
6 respondent Awad will resume practice at the required level. Respondent Awad shall further notify
7 the board in writing within ten (10) days following the next calendar month during which
8 respondent Awad practices as a pharmacist in California for the minimum of 80 hours. Any
9 failure to timely provide such notification(s) shall be considered a violation of probation.

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

14 **14. Violation of Probation**

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

22 If respondent Awad violates probation in any respect, the board, after giving respondent
23 Awad notice and an opportunity to be heard, may revoke probation and carry out the disciplinary
24 order that was stayed. If a petition to revoke probation or an accusation is filed against respondent
25 Awad during probation, or the preparation of an accusation or petition to revoke probation is
26 requested from the Office of the Attorney General, the board shall have continuing jurisdiction
27 and the period of probation shall be automatically extended until the petition to revoke probation
28

1 or accusation is heard and decided, and the charges and allegations in Accusation No. 7001 shall
2 be deemed true and correct.

3 **15. Completion of Probation**

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

6 **16. Remedial Education**

7 Within thirty (30) days of the effective date of this decision, respondent Awad shall
8 submit to the board or its designee, for prior approval, an appropriate program of remedial
9 education related to prescription drug abuse prevention. The program of remedial education shall
10 consist of at least six (6) hours per year during the period of probation, shall be live (virtual or in
11 person), shall be completed at respondent Awad's own expense, and shall include the board's
12 training titled, "Prescription Drug Abuse and Diversion – What a Pharmacist Needs to Know."
13 All remedial education shall be in addition to, and shall not be credited toward, continuing
14 education (CE) courses used for license renewal purposes for pharmacists.

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

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

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

25 Respondent Awad shall not acquire any new ownership, legal or beneficial interest nor
26 serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any
27 additional business, firm, partnership, or corporation licensed by the board. If respondent Awad
28 currently owns or has any legal or beneficial interest in, or serves as a manager, administrator,

1 member, officer, director, trustee, associate, or partner of any business, firm, partnership, or
2 corporation currently or hereinafter licensed by the board, respondent Awad may continue to
3 serve in such capacity or hold that interest, but only to the extent of that position or interest as of
4 the effective date of this decision. Violation of this restriction shall be considered a violation of
5 probation.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Sansan Lin, Esq. I understand the stipulation and the effect it will
9 have on my Original Pharmacy Permit License. I enter into this Stipulated Settlement and
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Board of Pharmacy.

12
13 DATED: _____

MAHER FAHIM AWAD
SHAREHOLDER
CHIEF EXECUTIVE OFFICER
DIRECTOR
A G & Y ENTERPRISES INC., DBA OWL
WESTERN PHARMACY
Respondent

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Sansan Lin, Esq. I understand the stipulation and the effect it will
20 have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
21 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
22 of the Board of Pharmacy.

23
24 DATED: _____

MAHER FAHIM AWAD
Respondent

26 ///

27 ///


28 ///

1 member, officer, director, trustee, associate, or partner of any business, firm, partnership, or
2 corporation currently or hereinafter licensed by the board, respondent Awad may continue to
3 serve in such capacity or hold that interest, but only to the extent of that position or interest as of
4 the effective date of this decision. Violation of this restriction shall be considered a violation of
5 probation.

6 **ACCEPTANCE**

7 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
8 discussed it with my attorney, Sansan Lin, Esq. I understand the stipulation and the effect it will
9 have on my Original Pharmacy Permit License. I enter into this Stipulated Settlement and
10 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
11 Decision and Order of the Board of Pharmacy.

12
13 DATED: July 30, 2021



MAHER FAHIM AWAD
SHAREHOLDER
CHIEF EXECUTIVE OFFICER
DIRECTOR
A G & Y ENTERPRISES INC., DBA OWL
WESTERN PHARMACY
Respondent

18 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
19 discussed it with my attorney, Sansan Lin, Esq. I understand the stipulation and the effect it will
20 have on my Original Pharmacist License. I enter into this Stipulated Settlement and Disciplinary
21 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
22 of the Board of Pharmacy.

23
24 DATED: July 30, 2021



MAHER FAHIM AWAD
Respondent

26 ///

27 ///

28 ///

1 I have read and fully discussed with Respondents A G & Y Enterprises Inc., dba Owl
2 Western Pharmacy and Maher Fahim Awad the terms and conditions and other matters contained
3 in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: _____
5 SANSAN LIN, ESQ.
6 *Attorney for Respondent*

7 **ENDORSEMENT**

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

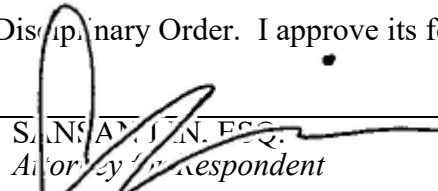
10 DATED: _____ Respectfully submitted,
11 ROB BONTA
12 Attorney General of California
13 SHAWN P. COOK
14 Supervising Deputy Attorney General

15 ELAINE YAN
16 Deputy Attorney General
17 *Attorneys for Complainant*

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19 LA2020601635
20 Stipulated Settlement and Disciplinary Order - LIC - AGY.docx
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1 I have read and fully discussed with Respondents A G & Y Enterprises Inc., dba Owl
2 Western Pharmacy and Maher Fahim Awad the terms and conditions and other matters contained
3 in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: July 30, 2021

5 
SANJAY J. N. ESQ.
Attorney for Respondent

6 **ENDORSEMENT**

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

9 DATED: 07/30/2021

10 Respectfully submitted,

11 ROB BONTA
12 Attorney General of California
13 SHAWN P. COOK
14 Supervising Deputy Attorney General

15 ELAINE YAN
16 Deputy Attorney General
17 Attorneys for Complainant

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19 LA2020601635
20 Stipulated Settlement and Disciplinary Order - LIC - AGY.docx
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Exhibit A

Accusation No. 7001

1 XAVIER BECERRA
Attorney General of California
2 SHAWN P. COOK
Supervising Deputy Attorney General
3 ELAINE YAN
Deputy Attorney General
4 State Bar No. 277961
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6683
6 Facsimile: (916) 731-2126
E-mail: Elaine.Yan@doj.ca.gov
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 7001

13 **A G & Y ENTERPRISES INC., DBA OWL**
14 **WESTERN PHARMACY; MAHER**
15 **FAHIM AWAD, Chief Executive Officer,**
16 **Shareholder and Director; KAMAL**
17 **HELMY YOUSEF, Vice President,**
18 **Shareholder and Director; MAGED**
19 **TALAT GINDI, Treasurer/Chief Financial**
20 **Officer, Shareholder, Director and**
21 **Secretary**
1009 W. San Bernardino Road
Covina, CA 91722

ACCUSATION

Original Pharmacy Permit License No. PHY
53855,

and

22 **MAHER FAHIM AWAD**
2536 Roundhill Circle
23 Placerville, CA 95667

Original Pharmacist License No. RPH 39226

Respondents.

1 **PARTIES**

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

4 2. On or about November 1, 2016, the Board of Pharmacy (Board) issued Original
5 Pharmacy Permit License Number PHY 53855 to A G & Y Enterprises Inc., dba Owl Western
6 Pharmacy; Maher Fahim Award, President, 40% Shareholder, Chief Executive Officer and
7 Director; Kamal Helmy Yousef, Vice President, 40% Shareholder and Director; and Maged Talat
8 Gindi, Treasurer/Chief Financial Officer, 20% Shareholder, Director and Secretary (Respondent
9 Pharmacy). The Original Pharmacy Permit License was in full force and effect at all times
10 relevant to the charges brought herein and will expire on November 1, 2021, unless renewed.

11 3. On or about March 14, 1985, the Board issued Original Pharmacist License Number
12 RPH 39226 to Maher Fahim Awad (Respondent Awad). The Original Pharmacist License was in
13 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
14 2022, unless renewed. Respondent Awad has been the Pharmacist-in-Charge at Respondent
15 Pharmacy since May 1, 2017.

16 **JURISDICTION**

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

20 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
21 surrender, or cancellation of a license shall not deprive the Board/Registrar/Director of
22 jurisdiction to proceed with a disciplinary action during the period within which the license may
23 be renewed, restored, reissued or reinstated.

24 6. Section 4300 of the Code states:

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

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

1 (1) Suspending judgment.

2 (2) Placing him or her upon probation.

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

4 (4) Revoking his or her license.

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

7 (c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
8 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
9 guilty of unprofessional conduct and who has met all other requirements for licensure. The board
10 may issue the license subject to any terms or conditions not contrary to public policy, including,
11 but not limited to, the following:

12 (1) Medical or psychiatric evaluation.

13 (2) Continuing medical or psychiatric treatment.

14 (3) Restriction of type or circumstances of practice.

15 (4) Continuing participation in a board-approved rehabilitation program.

16 (5) Abstention from the use of alcohol or drugs.

17 (6) Random fluid testing for alcohol or drugs.

18 (7) Compliance with laws and regulations governing the practice of pharmacy.

19 (d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
20 certificate of licensure for any violation of the terms and conditions of probation. Upon
21 satisfactory completion of probation, the board shall convert the probationary certificate to a
22 regular certificate, free of conditions.

23 (e) The proceedings under this article shall be conducted in accordance with Chapter 5
24 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
25 shall have all the powers granted therein. The action shall be final, except that the propriety of the
26 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
27 Procedure.

28 ///

1 physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in
2 Section 4187, clinic, hospital, institution, or establishment holding a currently valid and
3 unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing
4 with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section
5 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
6 drugs or dangerous devices.

7 11. Section 4332 of the Code states:

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

12 12. Section 4307 of the Code states:

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

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

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

28 ///

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

4 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
5 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
6 However, no order may be issued in that case except as to a person who is named in the caption,
7 as to whom the pleading alleges the applicability of this section, and where the person has been
8 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
9 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
10 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
11 of law.

12 **REGULATORY PROVISIONS**

13 13. California Code of Regulations, title 16, section 1714, subsection (b), states:

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

18 14. California Code of Regulations, title 16, section 1718, states:

19 “Current Inventory” as used in Sections 4081 and 4332 of the Business and Professions
20 Code shall be considered to include complete accountability for all dangerous drugs handled by
21 every licensee enumerated in Sections 4081 and 4332.

22 The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
23 available for inspection upon request for at least 3 years after the date of the inventory.

24 **COST RECOVERY**

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

DEFINITIONS

16. Morphine is a dangerous drug under Business and Professions Code section 4022 and is a Schedule II controlled substance under Health and Safety Code section 11055(b)(1)(L). It is used to treat pain.

17. Norco is the brand name for hydrocodone/acetaminophen (h/apap), which is classified as a dangerous drug under Business and Professions Code section 4022, a Schedule II controlled substance per Code of Federal Regulations, title 21, section 1308.12(b)(1)(vi), and a Schedule III controlled substance under Health and Safety Code section 11056(e)(4). It is used to treat pain.

18. Phenergan with Codeine Syrup is the brand name for promethazine with codeine syrup, which is classified as a dangerous drug under Business and Professions Code section 4022 and is a Schedule V controlled substance under Health and Safety Code section 11058(c)(1). It is used to treat cough.

19. Roxicodone is the brand name for oxycodone immediate-release, which is classified as a dangerous drug under Business and Professions Code section 4022 and is a Schedule II controlled substance under Health and Safety Code section 11055(b)(1)(M). It is used to treat pain.

20. Soma is the brand name for carisoprodol, which is classified as a dangerous drug under Business and Professions Code section 4022 and is a Schedule IV controlled substance under Code of Federal Regulations, title 21, section 1308.14(c)(7). It is a muscle relaxant.

21. Xanax is the brand name for alprazolam immediate-release, which is classified as a dangerous drug under Business and Professions Code section 4022 and is a Schedule IV controlled substance under Health and Safety Code section 11057(d)(1). It is used to treat anxiety.

FACTUAL ALLEGATIONS

22. Between April 2020 and June 2020, a Board inspector conducted an audit at Respondent Pharmacy on its inventory of certain drugs. The audit period is from May 1, 2017 and April 25, 2019.

23. The Board inspector reviewed and analyzed, among others, Respondent Pharmacy's records and records of wholesalers from which Respondent Pharmacy ordered drugs.

24. The audit revealed unaccounted shortages and overages for the following eight drugs in the following approximate amounts:

Drug	Shortage (-) or Overage (+)
Alprazolam 1 mg	-39,497 tablets
Alprazolam 2 mg	-6,866 tablets
Carisoprodol 350 mg	-2,235 tablets
H/apap 10/325 mg	-6,198 tablets
Morphine 15 mg	+386 tablets
Oxycodone 15 mg	-86 tablets
Oxycodone 30 mg	-894 tablets
Promethazine/Codeine	-22,403 mL

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Failure to Comply with Laws and Regulations)

(All Respondents)

25. Respondents are subject to disciplinary action under Section 4301, subsection (o), in that Respondents committed unprofessional conduct by failing to comply with the following laws and regulations:

- a. California Code of Regulations, title 16, section 1718;
- b. California Code of Regulations, section 1714, subsection (b); and
- c. California Business and Professions Code section 4081, subsection (a).

26. Specifically, for an audit period from May 1, 2017 to April 25, 2019, Respondents could not account for an inventory shortage of approximately: 1) 39,497 tablets of generic alprazolam immediate-release 1 mg; 2) 6,866 tablets of generic alprazolam immediate-release 2 mg; 3) 2,235 tablets of generic carisoprodol 350 mg generic; 4) 6,198 tablets of generic hydrocodone/acetaminophen 10/325 mg; 5) 86 tablets of generic oxycodone immediate-release 15 mg; 6) 894 tablets of generic oxycodone immediate-release 30 mg; and 7) 22,403 mL of generic promethazine/codeine syrup. Respondents failed to have complete accountability over these dangerous drugs.

///

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct – Failure to Comply with Statutes Regulating Dangerous Drugs)

3 (All Respondents)

4 27. Respondents are subject to disciplinary action under Section 4301, subsection (j), in
5 that Respondents committed unprofessional conduct by failing to comply with California
6 Business and Professions Code section 4081, subsection (a). Specifically, for an audit period
7 from May 1, 2017 to April 25, 2019, Respondents could not account for an inventory shortage of
8 approximately: 1) 39,497 tablets of generic alprazolam immediate-release 1 mg; 2) 6,866 tablets
9 of generic alprazolam immediate-release 2 mg; 3) 2,235 tablets of generic carisoprodol 350 mg
10 generic; 4) 6,198 tablets of generic hydrocodone/acetaminophen 10/325 mg; 5) 86 tablets of
11 generic oxycodone immediate-release 15 mg; 6) 894 tablets of generic oxycodone immediate-
12 release 30 mg; and 7) 22,403 mL of generic promethazine/codeine syrup. Respondents failed to
13 have complete accountability over these dangerous drugs.

14 **THIRD CAUSE FOR DISCIPLINE**

15 (Unprofessional Conduct – Failure to Comply with Laws and Regulations)

16 (All Respondents)

17 28. Respondents are subject to disciplinary action under Section 4301, subsection (o), in
18 that Respondents committed unprofessional conduct by failing to comply with the following laws
19 and regulations:

20 a. California Code of Regulations, title 16, section 1718; and

21 b. California Business and Professions Code section 4081, subsection (a).

22 29. Specifically, for an audit period from May 1, 2017 to April 25, 2019, Respondents
23 could not account for an inventory overage of approximately 386 tablets of generic immediate-
24 release morphine 15 mg. Respondents failed to have complete accountability over these
25 dangerous drugs.

26 ///

27 ///

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct – Failure to Comply with Statutes Regulating Dangerous Drugs)

3 (All Respondents)

4 30. Respondents are subject to disciplinary action under Section 4301, subsection (j), in
5 that Respondents committed unprofessional conduct by failing to comply with California
6 Business and Professions Code section 4081, subsection (a). Specifically, for an audit period
7 from May 1, 2017 to April 25, 2019, Respondents could not account for an inventory overage of
8 approximately 386 tablets of generic immediate-release morphine 15 mg. Respondents failed to
9 have complete accountability over these dangerous drugs.

10 **DISCIPLINARY CONSIDERATIONS**

11 31. To determine the degree of discipline, if any, to be imposed on Respondent Awad,
12 Complainant alleges that the Board ordered Respondent's Pharmacist License Number RPH
13 39226 to be placed on probation for one year, effective April 1, 1993, *in the Matter of the*
14 *Accusation Against Maher Fahim Awad*, Case No. 1598. The Board alleged that Respondent
15 dispensed incorrectly-labeled and/or incorrectly-filled prescriptions in violation of Business and
16 Professions Code section 4047.5 and California Code of Regulations, title 16, section 1716.

17 32. To determine the degree of discipline, if any, to be imposed on Respondent Awad,
18 Complainant alleges that on January 31, 2018, the Board issued Citation No. 2017 78541 and
19 ordered Respondent Awad to pay a fine of \$2,500.00 for violating 1) California Business and
20 Professions Code section 4301, subsection (c); 2) California Business and Professions Code
21 section 4105.5, subsection (c)(1); 3) California Business and Professions Code section 4119.1,
22 subsection (c)(4); 4) California Code of Regulations, title 16, section 1714, subsection (b); 5)
23 California Health and Safety Code section 1261.6, subsections (d)(1), (f)(3), (g)(2), and (h); 6)
24 California Business and Professions Code section 4081, subsection (a); and 7) California Code of
25 Regulations, title 16, section 1718.

26 **OTHER MATTERS**

27 33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit License
28 No. PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy, A G & Y

Enterprises Inc., dba Owl Western Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License No. PHY 53855 is placed on probation or until Pharmacy Permit License No. PHY 53855 is reinstated if it is revoked.

34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit License No. PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy, A G & Y Enterprises Inc., dba Owl Western Pharmacy while Maher Fahim Awad has been an officer and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Maher Fahim Awad shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License No. PHY 53855 is placed on probation or until Pharmacy Permit License No. PHY 53855 is reinstated if it is revoked.

35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit License No. PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy, A G & Y Enterprises Inc., dba Owl Western Pharmacy while Kamal Helmy Yousef, Pharmacist License No. RPH 40571, has been an officer and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Kamal Helmy Yousef shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License No. PHY 53855 is placed on probation or until Pharmacy Permit License No. PHY 53855 is reinstated if it is revoked.

36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit License No. PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy, A G & Y Enterprises Inc., dba Owl Western Pharmacy while Maged Talat Gindi, Pharmacist License No. RPH 58016, has been an officer and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Maged Talat Gindi shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License No. PHY 53855 is placed on probation or until Pharmacy Permit License No. PHY 53855 is reinstated if it is revoked.

PRAYER

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

1. Revoking or suspending Original Pharmacy Permit License Number PHY 53855, issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy;

2. Prohibiting Maher Fahim Awad from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License Number PHY 53855 is placed on probation or until Pharmacy Permit License Number PHY 53855 is reinstated if Pharmacy Permit License Number PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy is revoked;

3. Prohibiting Kamal Helmy Yousef from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License Number PHY 53855 is placed on probation or until Pharmacy Permit License Number PHY 53855 is reinstated if Pharmacy Permit License Number PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy is revoked;

4. Prohibiting Maged Talat Gindi from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit License Number PHY 53855 is placed on probation or until Pharmacy Permit License Number PHY 53855 is reinstated if Pharmacy Permit License Number PHY 53855 issued to A G & Y Enterprises Inc., dba Owl Western Pharmacy is revoked;

5. Revoking or suspending Original Pharmacist License Number RPH 39226, issued to Maher Fahim Awad;

6. Ordering A G & Y Enterprises Inc., dba Owl Western Pharmacy and Maher Fahim Awad to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 10/30/2020

Signature on File

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

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