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

12 In the Matter of the Accusation Against:

13 **M.A.N. NAZARETH INC. DBA TOWER**  
14 **PHARMACY, MICHAEL ALLEN**  
15 **NAZARIAN**  
16 **Permit No. PHY 53607**

17 **and**

18 **ARTIN AGHAKHANI**  
19 **License No. RPH 72110,**

20 Respondents.

21 In the Matter of the Statement of Issues  
22 Against:

23 **ABC PHARMACEUTICAL SOLUTIONS**  
24 **DBA TOWER PHARMACY, ARTIN**  
25 **AGHAKHANI**

26 Community Pharmacy License Applicant

27 Respondents.  
28

Case No. 7035

**DEFAULT DECISION AND ORDER AS  
TO PHARMACY PERMIT NO. PHY  
53607 ONLY**

[Gov. Code, §11520]

In the Matter of the Accusation Against:

**NATALIE GOLD INC. DBA BURBANK  
TOWER PHARMACY, KARINA  
NAZARIAN, ARTIN AGHAKHANI,  
Permit No. PHY 53938,**

**and**

**ARTIN AGHAKHANI  
License No. RPH 72110,**

Respondents.

**FINDINGS OF FACT**

1. On or about November 16, 2020, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7035 against M.A.N. Nazareth Inc. dba Tower Pharmacy, Michael Allen Nazarian (Respondent) before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about August 3, 2015, the Board of Pharmacy (Board) issued Permit No. PHY 53607 to Respondent. The Permit expired on April 27, 2020, and has not been renewed.

3. On or about November 17, 2020, Respondent was served by Certified and First Class Mail copies of the Accusation No. 7035, Statement to Respondent, Notice of Defense, Request for Discovery, Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7), and Notice of Hearing at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is: 350 S. Glenoaks Blvd., Burbank, CA 91502.

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

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

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing<sub>2</sub>

6. The Board takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No. 7035.

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

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

8. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 7035, finds that the charges and allegations in Accusation No. 7035, are separately and severally, found to be true and correct by clear and convincing evidence.

## DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent M.A.N. Nazareth Inc. dba Tower Pharmacy, Michael Allen Nazarian has subjected its Permit No. PHY 53607 to discipline.

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

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

a. **Variation from Prescription;** Business and Professions Code section 4301, subdivision (o) and California Code of Regulations (CCR), title 16, section 1716;

b. **Dispensing Refills without Prescriber Authorization;** Business and Professions Code section 4301, subdivision (o) and Business and Professions Code section 4063;

c. **Incomplete Prescription Content;** Business and Professions Code section 4301, subdivision (o) and Business and Professions Code section 4040;

1 d. **Dispensed Prescriptions Containing Omission or Uncertainty;** Business and  
2 Professions Code section 4301, subdivision (o) and CCR, title 16, section 1761;

3 e. **Failure to Maintain Accurate Disposition/Inventory Records;** Business and  
4 Professions Code section 4301, subdivision (o), Business and Profession Code section 4081, and  
5 CCR, title 16, sections 1714 and 1718.

6 **ORDER**

7 IT IS SO ORDERED that Permit No. PHY 53607, issued to Respondent M.A.N. Nazareth  
8 Inc. dba Tower Pharmacy, Michael Allen Nazarian, is revoked.

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

13 This Decision shall become effective on January 19, 2022 at 5:00 p.m.

14 It is so ORDERED on December 20, 2021.

15  
16 FOR THE BOARD OF PHARMACY  
17 DEPARTMENT OF CONSUMER AFFAIRS  
18 STATE OF CALIFORNIA

19 64555480.DOCX  
20 DOJ Matter ID:LA2020602707

21 By



22 Attachment:  
23 Exhibit A: Accusation

24 Seung W. Oh, Pharm D.  
25 Board President  
26  
27  
28

# Exhibit A

Accusation

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 DIANA PETIKYAN  
Deputy Attorney General  
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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. 7035

13 **M.A.N. NAZARETH INC. DBA TOWER**  
**PHARMACY, MICHAEL ALLEN**  
14 **NAZARIAN, CEO**  
**350 S. Glenoaks Blvd**  
15 **Burbank, CA 91502**

**ACCUSATION**

16 **Permit No. PHY 53607,**

17 **and**

18 **ARTIN AGHAKHANI**  
**14050 Magnolia Blvd, #313**  
19 **Sherman Oaks, CA 91423**

20 **Pharmacist License No. RPH 72110**

21 Respondents.

22 **PARTIES**

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

25 2. On or about August 3, 2015, the Board of Pharmacy issued Permit Number PHY  
26 53607 to M.A.N. Nazareth Inc. dba Tower Pharmacy, Michael Allen Nazarian (Tower  
27 Pharmacy). Michael Allen Nazarian was the Chief Executive Officer, 100% Shareholder,  
28 Director, Secretary, and Treasurer/Chief Financial Officer from August 3, 2015 to April 28, 2020.

1 Artin Aghakhani was the Pharmacist-in-Charge<sup>1</sup> from August 3, 2015 to October 29, 2015 and  
2 January 22, 2016 to April 28, 2020. This Permit was cancelled on April 27, 2020, and has not  
3 been renewed.

4 3. On or about November 25, 2014, the Board of Pharmacy issued Pharmacist License  
5 Number RPH 72110 to Artin Aghakhani (Aghakhani). The Pharmacist License was in full force  
6 and effect at all times relevant to the charges brought herein and will expire on December 31,  
7 2021, unless renewed.

### 8 **JURISDICTION**

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

12 5. Business and Professions Code section 4011 states, "The board shall administer and  
13 enforce this chapter and the Uniform Controlled Substances Act (Division 10 (commencing with  
14 Section 11000) of the Health and Safety Code)."

15 6. Business and Professions Code section 4300 states:

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

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

20 (1) Suspending judgment.

21 (2) Placing him or her upon probation.

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

24 (4) Revoking his or her license.

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

27 (c) The board may refuse a license to any applicant guilty of unprofessional  
28 conduct. The board may, in its sole discretion, issue a probationary license to any  
applicant for a license who is guilty of unprofessional conduct and who has met all

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<sup>1</sup> Pursuant to Business and Professions Code section 4036.5, a "Pharmacist-in-charge" refers a  
pharmacist proposed by a pharmacy and approved by the Board as the supervisor or manager  
responsible for ensuring the pharmacy's compliance with all state and federal laws and regulations  
pertaining to the practice of pharmacy.

1 other requirements for licensure. The board may issue the license subject to any terms  
2 or conditions not contrary to public policy, including, but not limited to, the following:

- 3 (1) Medical or psychiatric evaluation.
- 4 (2) Continuing medical or psychiatric treatment.
- 5 (3) Restriction of type or circumstances of practice.
- 6 (4) Continuing participation in a board-approved rehabilitation program.
- 7 (5) Abstention from the use of alcohol or drugs.
- 8 (6) Random fluid testing for alcohol or drugs.
- 9 (7) Compliance with laws and regulations governing the practice of  
10 pharmacy.

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

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

20 7. Business and Professions Code section 4300.1 states, “The expiration, cancellation,  
21 forfeiture, or suspension of a board-issued license by operation of law or by order or decision of  
22 the board or a court of law, the placement of a license on a retired status, or the voluntary  
23 surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or  
24 proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to  
25 render a decision suspending or revoking the license.”

26 8. Business and Professions Code section 4032 states, “‘License’ means and includes  
27 any license, permit, registration, certificate, or exemption issued by the board and includes the  
28 process of applying for and renewing the same.”

### 29 **STATUTORY PROVISIONS**

30 9. Section 4040 of the Code states:

31 (a) “Prescription” means an oral, written, or electronic transmission order that is  
32 both of the following:

33 (1) Given individually for the person or persons for whom ordered that  
34 includes all of the following:

- 35 (A) The name or names and address of the patient or patients.
- 36 (B) The name and quantity of the drug or device prescribed and the  
37 directions for use.



(C) The date of issue.

(D) Either rubber stamped, typed, or printed by hand or typeset, the name, address, and telephone number of the prescriber, his or her license classification, and his or her federal registry number, if a controlled substance is prescribed.

(E) A legible, clear notice of the condition or purpose for which the drug is being prescribed, if requested by the patient or patients.

(F) If in writing, signed by the prescriber issuing the order, or the certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor who issues a drug order pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist who issues a drug order pursuant to Section 4052.1, 4052.2, or 4052.6.\

(2) Issued by a physician, dentist, optometrist, podiatrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7 or, if a drug order is issued pursuant to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor licensed in this state, or pursuant to Section 4052.1, 4052.2, or 4052.6 by a pharmacist licensed in this state.

(b) Notwithstanding subdivision (a), a written order of the prescriber for a dangerous drug, except for any Schedule II controlled substance, that contains at least the name and signature of the prescriber, the name and address of the patient in a manner consistent with paragraph (2) of subdivision (a) of Section 11164 of the Health and Safety Code, the name and quantity of the drug prescribed, directions for use, and the date of issue may be treated as a prescription by the dispensing pharmacist as long as any additional information required by subdivision (a) is readily retrievable in the pharmacy. In the event of a conflict between this subdivision and Section 11164 of the Health and Safety Code, Section 11164 of the Health and Safety Code shall prevail.

(c) "Electronic transmission prescription" includes both image and data prescriptions. "Electronic image transmission prescription" means any prescription order for which a facsimile of the order is received by a pharmacy from a licensed prescriber. "Electronic data transmission prescription" means any prescription order, other than an electronic image transmission prescription, that is electronically transmitted from a licensed prescriber to a pharmacy.

(d) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(e) Nothing in the amendments made to this section (formerly Section 4036) at the 1969 Regular Session of the Legislature shall be construed as expanding or limiting the right that a chiropractor, while acting within the scope of his or her license, may have to prescribe a device.

10. Section 4063 of the Code states:

No prescription for any dangerous drug or dangerous device may be refilled except upon authorization of the prescriber. The authorization may be given orally or at the time of giving the original prescription. No prescription for any dangerous drug that is a controlled substance may be designated refillable as needed.

11. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, 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, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-charge, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge, responsible manager, or designated representative-in-charge shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge, responsible manager, or designated representative-in-charge had no knowledge, or in which he or she did not knowingly participate.

(d) Pharmacies that dispense nonprescription diabetes test devices pursuant to prescriptions shall retain records of acquisition and sale of those nonprescription diabetes test devices for at least three years from the date of making. The records shall be at all times during business hours open to inspection by authorized officers of the law.

12. Section 4301 of the Code states, in pertinent part:

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

...

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

...

13. Section 4307 of the Code states:

1 (a) Any person who has been denied a license or whose license has been  
2 revoked or is under suspension, or who has failed to renew his or her license while  
3 it was under suspension, or who has been a manager, administrator, owner,  
4 member, officer, director, associate, partner, or any other person with management  
5 or control of any partnership, corporation, trust, firm, or association whose  
6 application for a license has been denied or revoked, is under suspension or has  
7 been placed on probation, and while acting as the manager, administrator, owner,  
8 member, officer, director, associate, partner, or any other person with management  
9 or control had knowledge of or knowingly participated in any conduct for which  
10 the license was denied, revoked, suspended, or placed on probation, shall be  
11 prohibited from serving as a manager, administrator, owner, member, officer,  
12 director, associate, partner, or in any other position with management or control of  
13 a licensee as follows:

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

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

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

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

14. Section 4332 of the Code states, "Any person who fails, neglects, or refuses  
maintain the records required by Section 4081 or who, when called upon by an authorized  
officer or a member of the board, fails, neglects, or refuses to produce or provide the  
records within a reasonable time, or who willfully produces or furnishes records that are  
false, is guilty of a misdemeanor."

### **REGULATORY PROVISIONS**

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

...

(b) Each pharmacy licensed by the board shall maintain its facilities, space,  
fixtures, and equipment so that drugs are safely and properly prepared, maintained,

1 secured and distributed. The pharmacy shall be of sufficient size and unobstructed  
2 area to accommodate the safe practice of pharmacy.

3 ...

4 16. California Code of Regulations, title 16, section 1716, states:

5 Pharmacists shall not deviate from the requirements of a prescription except  
6 upon the prior consent of the prescriber or to select the drug product in accordance  
with Section 4073 of the Business and Professions Code.

7 Nothing in this regulation is intended to prohibit a pharmacist from exercising  
8 commonly-accepted pharmaceutical practice in the compounding or dispensing of a  
prescription.

9 17. California Code of Regulations, title 16, section 1718, states:

10 "Current Inventory" as used in Sections 4081 and 4332 of the Business and  
11 Professions Code shall be considered to include complete accountability for all  
dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

12 The controlled substances inventories required by Title 21, CFR, Section  
13 1304 shall be available for inspection upon request for at least 3 years after the  
14 date of the inventory.

15 18. California Code of Regulations, title 16, section 1761, states:

16 (a) No pharmacist shall compound or dispense any prescription which  
17 contains any significant error, omission, irregularity, uncertainty, ambiguity or  
alteration. Upon receipt of any such prescription, the pharmacist shall contact the  
18 prescriber to obtain the information needed to validate the prescription.

19 (b) Even after conferring with the prescriber, a pharmacist shall not  
20 compound or dispense a controlled substance prescription where the pharmacist  
knows or has objective reason to know that said prescription was not issued for a  
legitimate medical purpose.

### 21 **COST RECOVERY**

22 19. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
23 administrative law judge to direct a licensee found to have committed a violation or violations of  
24 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
25 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
26 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
27 included in a stipulated settlement.

1 **DISCIPLINE CONSIDERATIONS**

2 20. To determine the degree of discipline, if any, to be imposed on Respondent Artin  
3 Aghakhani, Complainant alleges that on or about June 21, 2019, in a prior action, the Board of  
4 Pharmacy issued Citation Number CI 2017 80685 and ordered Respondent to pay a \$400.00 fine  
5 for failing to provide documentation substantiating the completion of 30 hours of continuing  
6 education. That Citation is now final.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Variation from Prescription)**

9 21. Respondents Tower Pharmacy and Aghakhani are subject to disciplinary action under  
10 Code section 4301, subdivision (o) in conjunction with California Code of Regulations (CCR),  
11 title 16, section 1716 in that Respondents dispensed prescriptions which varied from the original  
12 prescription. Specifically,

- 13 a. On April 30 and May 25, 2018 prescription RX317033 was entered with the  
14 incorrect origin code; and  
15 b. The following ten prescriptions were entered with the incorrect day supply:  
16 RX#311705, RX#314528, RX#318530, RX#320300, RX#329979, RX#331436,  
17 RX#332876, RX#334726, RX#307432, RX#318041.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Dispensing Refills without Prescriber Authorization)**

20 22. Respondents Tower Pharmacy and Aghakhani are subject to disciplinary action under  
21 Code section 4301, subdivision (o) in conjunction with Code section 4063 in that Respondents  
22 dispensed RX#311705 on May 17, June 11, July 5, July 30, August 23, October 18, and  
23 December 6, 2018 without authorization from the prescriber. Respondents also dispensed  
24 RX#320300 on July 31, August 27, September 20, and October 16, 2018 without authorization  
25 from the prescriber.

**THIRD CAUSE FOR DISCIPLINE**

**(Incomplete Prescription Content)**

23. Respondents Tower Pharmacy and Aghakhani are subject to disciplinary action under Code section 4301, subdivision (o) in conjunction with Code section 4040 in that Respondents dispensed prescriptions RX#311705 and RX#329979 without signatures from the prescriber authorizing the prescription refill.

**FOURTH CAUSE FOR DISCIPLINE**

**(Dispensed Prescriptions Containing Omission or Uncertainty)**

24. Respondents Tower Pharmacy and Aghakhani are subject to disciplinary action under Code section 4301, subdivision (o) in conjunction with CCR, title 16, section 1761 in that Respondents dispensed a prescription containing an omission and uncertainty. Specifically, RX#328888 was written for Voltaren 1% gel to apply to the affected area three times daily. However, this prescription did not indicate the amount to apply or the area to be treated. Respondents did not provide documentation showing that the prescriber was contacted to clarify the missing information.

**FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Maintain Accurate Disposition/Inventory Records)**

25. Respondents Tower Pharmacy and Aghakhani are subject to disciplinary action under Code section 4301, subdivision (o) in conjunction with Code section 4081 and CCR, title 16, sections 1714 and 1718 in that Respondents did not maintain complete accountability for all dangerous drugs. Specifically, a 19-month audit from October 23, 2018 to May 13, 2020 of acquisition and disposition records revealed discrepancies in Respondents' inventory as follows:

- a. Tower Pharmacy had an overage of the following drugs (indicating that they billed for a greater quantity than they purchased):

Quantity	Drug
74	Anoro Ellipta inhalers
129	Breo Ellipta inhalers
6,151	Colcrys 0.6mg tablets
9,190	Creon DR 24,000 unit capsules
18,400	Creon DR 36,000 unit capsules
18,120	Dexilant DR 60mg capsules

Quantity	Drug
1,607	Diclofenac 1% gel 100gm tubes
49	Lantus vials
5,070	Linzess 145mcg capsules
4,815	Linzess 290mcg capsules
5,550	Myrbetriq ER 25mg tablets;
1,500	Namzaric 28-10mg capsules
47,610	Omega-3 lgm capsules
200	Pazeo 0.7% vials
336	Restasis multi-dose 0.05% 60ml vials
233	Symbicort 160-45mcg inhalers
77,982	Tamsulosin 0.4mg capsules
84	Trulicity 1.5mg/0.5ml pens
76,330	Vascepa 1 gm capsules
315	Voltaren 1 % gel tubes
2,790	Eliquis 5mg tablets
40,852	Gabapentin 300mg capsules
570	Januvia 100mg tablets
1,860	Januvia 50mg tablets
1,830	Jardiance 10mg tablets
22	Prolia 60mg/ml syringes
3,060	Tradjenta 5mg tablets

b. Tower pharmacy also could not account for the loss of the following drugs

Quantity	Drug
156	Restasis 0.05% 5.5ml vials
210	Eliquis 5mg tablets
5	Victoza 3-pak 18mg/3ml pens

### **OTHER MATTERS**

26. Pursuant to Business and Professions Code section 4307, if discipline is imposed on Pharmacy License Number RPH 72110 issued to Artin Aghakhani or Pharmacy Permit Number PHY 53607, issued to M.A.N. Nazareth Inc. dba Tower Pharmacy, Michael Allen Nazarian (Tower Pharmacy), for conduct that occurred while Respondent Aghakhani was the manager, and Respondent Aghakhani had knowledge of or knowingly participated in the conduct for which Respondent Tower Pharmacy was disciplined, then Respondent Aghakhani shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy License Number RPH 72110 or Pharmacy Permit Number PHY 53607 is placed on probation or until Pharmacy License Number RPH 72110 or Pharmacy Permit Number PHY 53607 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 Permit Number PHY 53607, issued to M.A.N. Nazareth Inc. dba Tower Pharmacy, Michael Allen Nazarian;

2. Revoking or suspending Pharmacist License Number RPH 72110, issued to Artin Aghakhani;

3. Prohibiting Respondent Aghakhani from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 53607 or Pharmacy License Number RPH 72110 is placed on probation or until Pharmacy Permit Number PHY 53607 or Pharmacy License Number RPH 72110 is reinstated if it is revoked;

4. Ordering Tower Pharmacy and Artin Aghakhani 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,

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

DATED: 11/16/2020

Signature on File

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

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