

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

**In the Matter of the Accusation Against:**

**PORTERVILLE EXPRESS SPECIALTY PHARMACY LLC dba  
EXPRESS SPECIALTY PHARMACY;  
ISKANDER MOHAMED HUSSEIN, MANAGER, 50% SHAREHOLDER;  
ANAS BAYTAMOUNY, MANAGER, 50% SHAREHOLDER, AND  
PHARMACIST-IN-CHARGE,  
Pharmacy Permit No. 57050; and**

**ISKANDER MOHAMED HUSSEIN,  
Registered Pharmacy License No. RPH 58730; and**

**ANAS BAYTAMOUNY,  
Registered Pharmacy License No. RPH 57016,**

**Respondents**

**Agency Case No. 7036**

**OAH No. 2021040514**

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 December 1, 2021.

It is so ORDERED on November 1, 2021.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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 visible.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
Supervising Deputy Attorney General  
3 MABEL LEW  
Deputy Attorney General  
4 State Bar No. 158042  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6104  
Facsimile: (916) 327-8643  
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:

13 **PORTERVILLE EXPRESS SPECIALTY**  
14 **PHARMACY LLC DBA EXPRESS**  
15 **SPECIALTY PHARMACY; ISKANDER**  
16 **MOHAMED HUSSEIN, MANAGER, 50%**  
17 **SHAREHOLDER; ANAS**  
18 **BAYTAMOUNY, MANAGER, 50%**  
19 **SHAREHOLDER, AND PHARMACIST-**  
20 **IN-CHARGE**  
301 E. Olive Avenue  
Porterville, CA 93257  
Pharmacy Permit No. PHY 57050,

21 **ISKANDER MOHAMED HUSSEIN**  
825 Central Valley Hwy. A  
Shafter, CA 93263  
Registered Pharmacist License No. RPH  
58730,

22 **ANAS BAYTAMOUNY**  
23 **P.O. Box 27**  
24 **Bakersfield, CA 93302**  
Registered Pharmacist License No. RPH  
57016

25 Respondents.  
26

Case No. 7036

OAH No. 2021040514

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER FOR PUBLIC**  
**REPROVAL**

**FOR PORTERVILLE EXPRESS**  
**SPECIALTY PHARMACY LLC DBA**  
**EXPRESS SPECIALTY PHARMACY**  
**AND ISKANDER MOHAMED HUSSEIN**

[Bus. & Prof. Code § 495]

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

1 **PARTIES**

2 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
3 (Board). She brought this action solely in her official capacity and is represented in this matter by  
4 Rob Bonta, Attorney General of the State of California, by Mabel Lew, Deputy Attorney General.

5 2. Respondents Porterville Express Specialty Pharmacy LLC dba Express Specialty  
6 Pharmacy (Respondent Pharmacy), and Iskander Mohamed Hussein as its Manager, 50%  
7 shareholder, are represented in this proceeding by attorney Ivan Petrzelka, whose address is:  
8 55 Cetus, 1st Floor  
9 Irvine, CA 92618.

10 **JURISDICTION**

11 3. On or about January 10, 2020, the Board issued Pharmacy Permit No. PHY 57050 to  
12 Porterville Express Specialty Pharmacy LLC dba Express Specialty Pharmacy (Respondent  
13 Pharmacy), with Iskander Mohamed Hussein as its Manager, 50% shareholder. The Pharmacy  
14 Permit was in full force and effect at all times relevant to the charges brought herein and will  
15 expire on January 1, 2022, unless renewed.

16 4. On or about August 25, 2006, the Board of Pharmacy issued Registered Pharmacist  
17 License Number RPH 58730 to Iskander Mohamed Hussein (Respondent Hussein). The  
18 Registered Pharmacist License was in full force and effect at all times relevant to the charges  
19 brought herein and will expire on January 31, 2022, unless renewed.

20 5. Accusation No. 7036 was filed before the Board and is currently pending against  
21 Respondents. The Accusation and all other statutorily required documents were properly served  
22 on Respondent on January 22, 2021. Respondents timely filed the Notice of Defense contesting  
23 the Accusation. A copy of Accusation No. 7036 is attached as Exhibit A and incorporated herein  
24 by reference.

25 **ADVISEMENT AND WAIVERS**

26 6. Respondents have carefully read, fully discussed with counsel, and understand the  
27 charges and allegations in Accusation No. 7036. Respondents have also carefully read, fully  
28

1 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary  
2 Order for Public Reproval.

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

10 8. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
11 every right set forth above.

### 12 **CULPABILITY**

13 9. Respondent Pharmacy understands and agrees that the charges and allegations in  
14 Accusation No. 7036, if proven at a hearing, constitute cause for imposing discipline upon its  
15 Pharmacy Permit Number PHY 57050.

16 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
17 further proceedings, Respondent Pharmacy agrees that, at a hearing, Complainant could establish  
18 a factual basis for the charges in the Accusation, and that Respondent Pharmacy hereby gives up  
19 its right to contest those charges.

20 11. Respondent Pharmacy agrees that its Pharmacy Permit Number PHY 57050 is  
21 subject to discipline and it agrees to be bound by the Disciplinary Order below.

22 12. Respondent Hussein admits the truth of each and every charge and allegation in the  
23 Accusation.

24 13. Respondent Hussein agrees that his Registered Pharmacist License Number RPH  
25 58730 is subject to discipline and he agrees to be bound by the Disciplinary Order below.

### 26 **CONTINGENCY**

27 14. This Stipulation shall be subject to approval by the Board. Respondents understand  
28 and agree that counsel for Complainant and the staff of the Board may communicate directly with

1 the Board regarding this Stipulation and Settlement, without notice to or participation by  
2 Respondents or their counsel. By signing this Stipulation, Respondents understand and agree that  
3 they may not withdraw their agreement or seek to rescind this Stipulation prior to the time the  
4 Board considers and acts upon it. If the Board fails to adopt this Stipulation as its Decision and  
5 Order, the Stipulated Settlement and Disciplinary Order for Public Reproval shall be of no force  
6 or effect, except for this paragraph, it shall be inadmissible in any legal action between the  
7 parties, and the Board shall not be disqualified from further action by having considered this  
8 matter.

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

12 16. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by  
13 the parties to be an integrated writing representing the complete, final, and exclusive embodiment  
14 of their agreement. It supersedes any and all prior or contemporaneous agreements,  
15 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated  
16 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,  
17 supplemented, or otherwise changed except by a writing executed by an authorized representative  
18 of each of the parties.

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

22 **DISCIPLINARY ORDER**

23 IT IS HEREBY ORDERED that Pharmacy Permit Number PHY 57050 and Registered  
24 Pharmacist License Number RPH 58730 issued to Respondents shall be publicly reproved by the  
25 Board under Business and Professions Code section 495 in resolution of Accusation No. 7036,  
26 attached as Exhibit A.

27 **Ethics Course.** Within sixty (60) calendar days of the effective date of this decision,  
28 Respondent Hussein shall enroll in a course of ethics, at respondent's expense, approved in

1 advance by the board or its designee that complies with Title 16 California Code of Regulations  
2 section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days  
3 of completion, respondent shall submit a copy of the certificate of completion to the board or its  
4 designee.

5 **Cost Recovery.** Respondents shall pay \$10,000 to the Board for their costs associated with  
6 the investigation and enforcement of this matter. Respondents shall be jointly and severally liable  
7 for payment of these costs. Respondents shall be permitted to pay these costs in a payment plan  
8 approved by the Board. If Respondents fail to pay the Board costs as ordered, Respondents shall  
9 not be allowed to renew their Pharmacy Permit Number PHY 57050 and Registered Pharmacist  
10 License Number RPH 58730. In addition, the Board may enforce this order for payment of its  
11 costs in any appropriate court, in addition to any other rights the Board may have.

12 **Full Compliance.** As a resolution of the charges in Accusation No. 7036, this stipulated  
13 settlement is contingent upon Respondents' full compliance with all conditions of this Order. If  
14 Respondents fail to satisfy any of these conditions, such failure to comply constitutes cause for  
15 discipline, including outright revocation, of Respondents' Pharmacy Permit Number PHY 57050  
16 and Registered Pharmacist License Number RPH 58730.

### 17 **ACCEPTANCE**

18 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
19 Reproval and have fully discussed it with my attorney, Ivan Petrzeka. I understand the  
20 stipulation and the effect it will have on my Pharmacy Permit Number PHY 57050 and  
21 Registered Pharmacist License Number RPH 58730. I enter into this Stipulated Settlement and  
22 Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be  
23 bound by the Decision and Order of the Board of Pharmacy.

24  
25 DATED: \_\_\_\_\_

26 ISKANDER MOHAMED HUSSEIN, MANAGER  
27 PORTERVILLE EXPRESS SPECIALTY  
28 PHARMACY, LLC; DBA EXPRESS  
SPECIALTY PHARMACY  
*Respondent*

1 advance by the board or its designee that complies with Title 16 California Code of Regulations  
2 section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days  
3 of completion, respondent shall submit a copy of the certificate of completion to the board or its  
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6 the investigation and enforcement of this matter. Respondents shall be jointly and severally liable  
7 for payment of these costs. Respondents shall be permitted to pay these costs in a payment plan  
8 approved by the Board. If Respondents fail to pay the Board costs as ordered, Respondents shall  
9 not be allowed to renew their Pharmacy Permit Number PHY 57050 and Registered Pharmacist  
10 License Number RPH 58730. In addition, the Board may enforce this order for payment of its  
11 costs in any appropriate court, in addition to any other rights the Board may have.

12 **Full Compliance.** As a resolution of the charges in Accusation No. 7036, this stipulated  
13 settlement is contingent upon Respondents' full compliance with all conditions of this Order. If  
14 Respondents fail to satisfy any of these conditions, such failure to comply constitutes cause for  
15 discipline, including outright revocation, of Respondents' Pharmacy Permit Number PHY 57050  
16 and Registered Pharmacist License Number RPH 58730.

### 17 ACCEPTANCE

18 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public  
19 Reproval and have fully discussed it with my attorney, Ivan Petrzela. I understand the  
20 stipulation and the effect it will have on my Pharmacy Permit Number PHY 57050 and  
21 Registered Pharmacist License Number RPH 58730. I enter into this Stipulated Settlement and  
22 Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be  
23 bound by the Decision and Order of the Board of Pharmacy.

24  
25 DATED: 9-15-2021



26 ISKANDER MOHAMED HUSSEIN, MANAGER  
27 PORTERVILLE EXPRESS SPECIALTY  
28 PHARMACY, LLC; DBA EXPRESS  
SPECIALTY PHARMACY  
*Respondent*



1 I have read and fully discussed with Respondents Porterville Express Specialty Pharmacy,  
2 LLC; dba Express Specialty Pharmacy and Iskander Mohamed Hussein the terms and conditions  
3 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public  
4 Reapproval. I approve its form and content.

5  
6 DATED: \_\_\_\_\_

IVAN PETRZELKA  
*Attorney for Respondent*

7  
8  
9  
10  
11 **ENDORSEMENT**

12 The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby  
13 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
14 Consumer Affairs.

15 DATED: \_\_\_\_\_

Respectfully submitted,

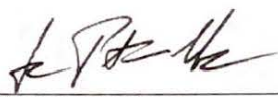
16  
17 ROB BONTA  
Attorney General of California  
18 DAVID E. BRICE  
Supervising Deputy Attorney General

19  
20 MABEL LEW  
Deputy Attorney General  
21 *Attorneys for Complainant*  
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1 I have read and fully discussed with Respondents Porterville Express Specialty Pharmacy,  
2 LLC; dba Express Specialty Pharmacy and Iskander Mohamed Hussein the terms and conditions  
3 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public  
4 Reapproval. I approve its form and content.

5  
6 DATED: 09/16/2021

  
\_\_\_\_\_  
IVAN PETRZELKA  
*Attorney for Respondent*

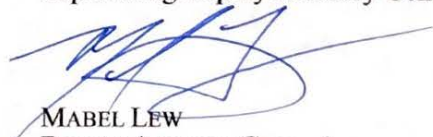
7  
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10  
11 **ENDORSEMENT**

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13 respectfully submitted for consideration by the Board of Pharmacy of the Department of  
14 Consumer Affairs.

15  
16 DATED: 9/16/2021

Respectfully submitted,

17 ROB BONTA  
Attorney General of California  
18 DAVID E. BRICE  
Supervising Deputy Attorney General

19  
20   
MABEL LEW  
21 Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7036**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 MABEL LEW  
Deputy Attorney General  
4 State Bar No. 158042  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-6104  
Facsimile: (916) 327-8643  
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. 7036

13 **PORTERVILLE EXPRESS SPECIALTY**  
**PHARMACY LLC DBA EXPRESS**  
14 **SPECIALTY PHARMACY; ISKANDER**  
**MOHAMED HUSSEIN, MANAGER, 50%**  
15 **SHAREHOLDER; ANAS BAYTAMOUNY,**  
**MANAGER, 50% SHAREHOLDER, AND**  
16 **PHARMACIST-IN-CHARGE**  
**301 E. Olive Avenue**  
17 **Porterville, CA 93257**  
**Pharmacy License No. PHY 57050,**  
18  
19 **ISKANDER MOHAMED HUSSEIN**  
**825 Central Valley Hwy. A**  
**Shafter, CA 93263**  
20 **Registered Pharmacist License No. RPH 58730,**  
21  
22 **ANAS BAYTAMOUNY**  
**P.O. Box 27**  
**Bakersfield, CA 93302**  
23 **Registered Pharmacist License No. RPH 57016**

**ACCUSATION**

24 Respondents.

25 **PARTIES**

26 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity  
27 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
28

2. On or about January 10, 2020, the Board of Pharmacy (Board) issued Pharmacy License Number PHY 57050 to Porterville Express Specialty Pharmacy LLC dba Express Specialty Pharmacy (Respondent Pharmacy), with Iskander Mohamed Hussein as its Manager, 50% shareholder, and Anas Baytamouny as its Manager, 50% shareholder, and Pharmacist-in-Charge. The Pharmacy License was in full force and effect at all times relevant to the charges brought herein and will expire on January 1, 2022, unless renewed.

3. On or about August 25, 2006, the Board of Pharmacy issued Registered Pharmacist License Number RPH 58730 to Iskander Mohamed Hussein (Respondent Hussein). The Registered Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2022, unless renewed.

4. On or about May 23, 2005, the Board of Pharmacy issued Registered Pharmacist License Number RPH 57016 to Anas Baytamouny (Respondent Baytamouny). The Registered Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2022, unless renewed.

5. Respondent Pharmacy, Respondent Hussein, and Respondent Baytamouny are referred to collectively hereinafter as "Respondents".

### **JURISDICTION**

6. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

7. Section 4300.1 of the Code states:

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

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///

///



shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

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

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

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

....

11. Section 4312, of the Code states, in pertinent part:

“(a) The board may cancel the license of a wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, or outsourcing facility if the licensed premises remain closed, as defined in subdivision (e), other than by order of the board. For good cause shown, the board may cancel a license after a shorter period of closure. To cancel a license pursuant to this subdivision, the board shall make a diligent, good faith effort to give notice by personal service on the licensee. If a written objection is not received within 10 days after personal service is made or a diligent, good faith effort to give notice by personal service on the licensee has failed, the board may cancel the license without the necessity of a hearing. If the licensee files a written objection, the board shall file an accusation based on the licensee remaining closed. Proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the board shall have all the powers granted in that chapter.

...

(e) For the purposes of this section, “closed” means not engaged in the ordinary activity for which a license has been issued for at least one day each calendar week during any 120-day period.”

### **COST RECOVERY**

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

## **FACTUAL ALLEGATIONS**

13. On November 28, 2018, a community pharmacy permit application was received by the Board for “Porterville Express Specialty Pharmacy LLC”, located at 301 E. Olive Avenue, Suite A, Porterville, California. The anticipated opening date was listed as “2-01-18”<sup>1</sup>. The Limited Liability Company information listed Respondent Baytamouny as the chief executive officer and Respondent Hussein as the president.

14. On April 29, 2019, the community pharmacy permit application was amended and received by the Board on May 3, 2019. The pharmacy name was changed to “Express Specialty Pharmacy”, located at 301 E. Olive Avenue, Suite A, Porterville, California. The anticipated opening date was listed as “8-1-2019”. The Limited Liability Company information listed Respondents Baytamouny and Hussein as managers.

15. On January 2, 2020, the Board sent an email to the email address provided on the application<sup>2</sup>, with information that the pharmacy application had been reviewed and was ready to issue. The Board requested a confirmation opening date, and cited the requirement of Code section 4312 as: “*a licensee must engage in ordinary activity for which the license is issued at least one day each calendar week during any 120-day period*”.

16. On January 6, 2020, Respondent Hussein<sup>3</sup> responded to the Board’s email that he planned to open on “1-9-2020” and would appreciate it if the license could be issued as soon as possible so that they may start officially ordering drugs from its wholesaler, McKesson Drugs. The Board again cited the requirement of Code section 4312.

17. On January 9, 2020, the Board sent an email to Respondent Hussein that the license was scheduled to be issued that day (1/09/2020) and to send confirmation opening date.

18. On January 10, 2020, Respondent Hussein responded to the email requesting that the license issue on “1-10-2020”. The Board responded that the license (PHY 57050) was issued on 1/10/20 with an expiration date of 1/1/21, and again cited the requirement of Code section 4312.

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<sup>1</sup> The year of the anticipated opening of the pharmacy may have been a typographical error, and the applicant likely meant the year “2020”, since the application was submitted on 11/28/18.

<sup>2</sup> The email on the application was [torolocoine@yahoo.com](mailto:torolocoine@yahoo.com).

<sup>3</sup> “Alex Hussein” a/k/a Respondent Iskander Hussein.



1           19. On January 23, 2020, the Board mailed the original wall license to Respondent  
2 Pharmacy's address. However, on June 8, 2020, the license was returned to the Board by the  
3 United States Postal Service, which raised a concern that Respondent Pharmacy may not have  
4 opened.

5           20. On June 17, 2020, Board Inspector K.R.-P. (BI) went to perform an inspection at  
6 Respondent Pharmacy at its address of record. She noticed that the Respondent Pharmacy was  
7 not located at the address listed on the permit: the Respondent Pharmacy was located at "Suite  
8 301", and not at "Suite 301A". She saw signs on the outside of the building and on the windows  
9 which stated, "Express Pharmacy Coming Soon". Although the windows were covered, BI was  
10 able to see that the interior seemed to be under construction: the shelves were empty, ceiling tiles  
11 were missing, and the floor did not appear to be completed. BI did not see any computer  
12 equipment. She was able to contact Respondent Hussein and confirmed that no pharmacy  
13 business had occurred as of June 17, 2020. BI asked when he planned to open the pharmacy.  
14 Respondent Hussein told her he planned to open the pharmacy "the following week", and  
15 explained that "COVID" was the cause for the delayed opening. Respondent Hussein told her the  
16 computers and shelving were ready. When BI told him she was at the pharmacy's location and  
17 that it did not appear to her that the pharmacy was ready to open, his response was, "Oh." BI told  
18 him that she needed an exact opening date. Respondent Hussein's response was that he would  
19 open the pharmacy "in exactly 3 weeks" (July 8, 2020).

20           21. As of June 18, 2020, no change of permit had been received by the Board correcting  
21 Respondent Pharmacy's address.

22           22. On July 21, 2020, BI confirmed that no pharmacy business had occurred to date. BI  
23 communicated with Respondent Baytamouny, who informed her that Respondent Pharmacy  
24 would be ready to open on July 22<sup>nd</sup> or 23<sup>rd</sup>, 2020. BI cited the requirement of Code section  
25 4312.

26           23. On August 3, 2020, the Board issued Respondents a written notice of their failure to  
27 comply with Code section 4312.

28 ///

1 **CAUSE FOR DISCIPLINE**

2 **(Voiding License of Entity Remaining Closed)**

3 24. Respondent Pharmacy, Respondent Hussein, and Respondent Baytamouny are subject  
4 to disciplinary action under Code section 4312, subdivisions (a) and (e), in that Porterville  
5 Express Specialty Pharmacy LLC dba Express Specialty Pharmacy, PHY 57050, located at 301  
6 E. Olive Avenue, Suite A, Porterville, California was not compliant. Specifically, from 1/10/20  
7 through 7/21/20, Respondents failed to conduct pharmacy business from this location. Failure to  
8 conduct ordinary pharmacy business for at least one day each calendar week for more than 120  
9 days is a violation of Business and Professions Code 4312(a) as related to 4312(e).

10 25. Complainant refers to and by this reference incorporates the allegations set forth  
11 above in paragraphs 13-23, inclusive, as though set forth fully.

12 **OTHER MATTERS**

13 26. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number  
14 PHY 57050 issued to Porterville Express Specialty Pharmacy LLC dba Express Specialty  
15 Pharmacy, Respondent Hussein, Manager, 50% shareholder, and Respondent Baytamouny,  
16 Manager, 50% shareholder, and PIC, shall be prohibited from serving as a manager,  
17 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if  
18 Pharmacy Permit Number PHY 57050 is placed on probation or until Pharmacy Permit Number  
19 PHY 57050 is reinstated, if it is revoked.

20 **PRAYER**

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

23 1. Revoking or suspending Pharmacy License Number PHY 57050, issued to Porterville  
24 Express Specialty Pharmacy LLC dba Express Specialty Pharmacy, Respondent Hussein,  
25 Manager and 50% shareholder, and Respondent Baytamouny, Manager, 50% shareholder, and  
26 Pharmacist-in-Charge;

27 2. Revoking or suspending Registered Pharmacist License Number RPH 58730, issued  
28 to Iskander Mohamed Hussein;

1           3.     Revoking or suspending Registered Pharmacist License Number RPH 57016, issued  
2 to Anas Baytamouny;

3           4.     Prohibiting Iskander Mohamed Hussein from serving as a manager, administrator,  
4 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy  
5 Permit Number PHY 57050 is placed on probation or until Pharmacy Permit Number PHY 57050  
6 is reinstated if Pharmacy Permit Number PHY 57050 issued to Porterville Express Specialty  
7 Pharmacy LLC dba Express Specialty Pharmacy is revoked;

8           5.     Prohibiting Anas Baytamouny from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
10 Number PHY 57050 is placed on probation or until Pharmacy Permit Number PHY 57050 is  
11 reinstated if Pharmacy Permit Number PHY 57050 issued to Porterville Express Specialty  
12 Pharmacy LLC dba Express Specialty Pharmacy is revoked;

13           6.     Ordering Iskander Hussein and Anas Baytamouny to pay the Board of Pharmacy the  
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
15 Professions Code section 125.3; and,

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

17  
18       DATED:     1/19/2021  
                    \_\_\_\_\_

Signature on File  
\_\_\_\_\_

19       ANNE SODERGREN  
20       Executive Officer  
21       Board of Pharmacy  
22       Department of Consumer Affairs  
23       State of California  
24       *Complainant*