

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

In the Matter of the Accusation Against:

**EMERSON PHARMACY, INC. DBA LOYOLA PHARMACY; NIMA
RODEFSHALOM, JOSEPH KOHAN, MEHRAN KOHAN-BASH
Permit No. PHY 53692,**

**EMERSON PHARMACY, INC. DBA LOYOLA PHARMACY; NIMA
RODEFSHALOM, JOSEPH KOHAN, MEHRAN KOHAN-BASH
Permit No. PHY 48754,**

**NIMA RODEFSHALOM
Pharmacist License No. RPH 55990,**

and

**MEHRAN KOHAN-BASH
Pharmacist License No. RPH 44499,**

Respondents.

Agency Case No. 7082

DECISION AND ORDER

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on 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" being clearly legible, and "W." in the middle.

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 CARL W. SONNE
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
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5 Los Angeles, CA 90013
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Attorneys for Complainant
7

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

12 In the Matter of the Accusation Against:

Case No. 7082

13 **EMERSON PHARMACY, INC.**
14 **DBA LOYOLA PHARMACY;**
15 **NIMA RODEFSHALOM, JOSEPH KOHAN,**
16 **MEHRAN KOHAN-BASH**
8610 S. Sepulveda Blvd, #108
Los Angeles, CA 90045

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

17 Permit No. PHY 53692,

18 **EMERSON PHARMACY, INC.**
19 **DBA LOYOLA PHARMACY,**
20 **NIMA RODEFSHALOM, JOSEPH KOHAN,**
21 **MEHRAN KOHAN-BASH**
8400 Lincoln Blvd
Los Angeles, CA 90045

22 Permit No. PHY 48754,

23 **NIMA RODEFSHALOM**
24 2222 Guthrie Cir
Los Angeles, CA 90034

25 Pharmacist License No. RPH 55990,

26 **and**

27 **MEHRAN KOHAN-BASH**
324 Beverly Dr. #261
Beverly Hills, CA 90212

28 Pharmacist License No. RPH 44499

Respondents.

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 (Complainant) is the Executive Officer of the Board of Pharmacy
5 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Thomas L. Rinaldi, Supervising
7 Deputy Attorney General.

8 2. Emerson Pharmacy, Inc. dba Loyola Pharmacy; Nima Rodefshalom, Joseph Kohan,
9 Mehran Kohan-Bash (Respondent LP1), Emerson Pharmacy, Inc. dba Loyola Pharmacy, Nima
10 Rodefshalom, Joseph Kohan, Mehran Kohan-Bash (Respondent LP2), Nima Rodefshalom
11 (Respondent Rodefshalom) and MehranKohan-Bash (Respondent Mehran Kohan-Bash) are
12 represented in this proceeding by attorney Herbert L. Weinberg, whose address is: 1990 South
13 Bundy Drive, Suite 777, Los Angeles, CA 90025

14 3. On or about June 24, 2015, the Board issued Permit No. PHY 53692 to Respondent
15 LP1, with Respondent Rodefshalom designated as the President and 50 % shareholder from June
16 24, 2015 to August 10, 2018, Respondent Kohan designated as Chief Financial Officer and 25%
17 shareholder from November 14, 2007 to August 10, 2018 , and Respondent Kohan-Bash
18 designated as Secretary and 25 % shareholder from June 24, 2015 to August 10, 2018. The
19 Permit expired on August 10, 2018, and has not been renewed.

20 4. On or about November 14, 2007, the Board issued Permit No. PHY 48754 to
21 Respondent LP2, with Respondent Rodefshalom designated as President and 50 % shareholder
22 from November 14, 2007 to July 13, 2015, Respondent Kohan designated as Chief Financial
23 Officer and 25 % shareholder from November 14, 2007 to July 13, 2015, and Respondent Kohan-
24 Bash designated as Secretary and 25% shareholder from November 14, 2007 to July 13, 2015.
25 The Permit expired on July 13, 2015, and has not been renewed.

26 5. On or about August 6, 2004, the Board issued Pharmacist License No. RPH 55990 to
27 Respondent Rodefshalom. The Pharmacist License was in full force and effect at all

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1 times relevant to the charges brought herein and will expire on December 31, 2021, unless
2 renewed.

3 6. On or about August 9, 1991, the Board issued Pharmacist License No. RPH 44499 to
4 Respondent Kohan-Bash. The Pharmacist License was in full force and effect at all times
5 relevant to the charges brought herein and will expire on December 31, 2022, unless renewed.

6 **JURISDICTION**

7 7. Accusation No. 7082 was filed before the Board, and is currently pending against
8 Respondents. The Accusation and all other statutorily required documents were properly served
9 on Respondents on April 23, 2021. Respondents timely filed a Notice of Defense contesting the
10 Accusation. A copy of Accusation No. 7082 is attached as Exhibit A and incorporated by
11 reference.

12 **ADVISEMENT AND WAIVERS**

13 8. Respondents have carefully read, fully discussed with counsel, and understand the
14 charges and allegations in Accusation No. 7082. Respondents also have carefully read, fully
15 discussed with counsel, and understand the effects of this Stipulated Surrender of License and
16 Order.

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

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

25 **CULPABILITY**

26 11. Respondents understand that the charges and allegations in Accusation No. 7082, if
27 proven at a hearing, constitute cause for imposing discipline upon Permit No. PHY 53692,

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1 Permit No. PHY 48754, Pharmacist License No. RPH 55990, and Pharmacist License No. RPH
2 44499.

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

8 13. Respondents understand that by signing this stipulation they enable the Board to issue
9 an order accepting the surrender of Permit No. PHY 53692, Permit No. PHY 48754, Pharmacist
10 License No. RPH 55990, and Pharmacist License No. RPH 44499 without further process.

11 **CONTINGENCY**

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

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

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

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

5 **ORDER**

6 IT IS HEREBY ORDERED that Respondent LP1's Permit No. PHY 53692; Respondent
7 LP2's Permit No. PHY 48754; Respondent Rodefshalom's Pharmacist License No. RPH 55990;
8 and Respondent Kohan-Bash's Pharmacist License No. RPH 44499 are surrendered and accepted
9 by the Board of Pharmacy.

10 1. The surrender of Respondents LP1's Permit No. PHY 53692; Respondent LP2's
11 Permit No. PHY 458754; Respondent Rodefshalom's Pharmacist License No. RPH 55990; and
12 Respondent Kohan-Bash's Pharmacist License No. RPH 44499 and the acceptance of the
13 surrendered permits and license by the Board shall constitute the imposition of discipline against
14 Respondents. This stipulation constitutes a record of the discipline and shall become a part of
15 Respondents' license history with the Board.

16 2. Respondent LP1 shall lose all rights and privileges as a pharmacy in California as of
17 the effective date of the Board's Decision and Order.

18 3. Respondent LP2 shall lose all rights and privileges as a pharmacy in California as of
19 the effective date of the Board's Decision and Order.

20 4. Respondent Rodefshalom shall lose all rights and privileges as a pharmacist in
21 California as of the effective date of the Board's Decision and Order.

22 5. Respondent Kohan-Bash shall lose all rights and privileges as a pharmacist in
23 California as of the effective date of the Board's Decision and Order.

24 6. Respondents shall cause to be delivered to the Board their pocket licenses and, if one
25 was issued, its wall certificate(s) on or before the effective date of the Decision and Order.

26 7. If Respondents ever file an application for licensure or a petition for reinstatement in
27 the State of California, the Board shall treat it as a new application for licensure. Respondents
28 must comply with all the laws, regulations and procedures for licensure in effect at the time the

1 application or petition is filed, and all of the charges and allegations contained in Accusation No.
2 7082 shall be deemed to be true, correct and admitted by Respondents when the Board determines
3 whether to grant or deny the application(s) or petition(s).

4 8. Respondents shall pay the agency its costs of investigation and enforcement in the
5 amount of \$2,017.50 prior to issuance of a new or reinstated license.

6 9. If Respondents should ever apply or reapply for a new license or certification, or
7 petition for reinstatement of a license, by any other health care licensing agency in the State of
8 California, all of the charges and allegations contained in Accusation, No. 7082 shall be deemed
9 to be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any
10 other proceeding seeking to deny or restrict licensure.

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

13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Surrender of License and Order and have fully
15 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
16 will have on my Permit (PHY 53692). I enter into this Stipulated Surrender of License and Order
17 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
18 Board of Pharmacy.

19
20 DATED: _____

NIMA RODEFSHALOM
As President and authorized agent on behalf
of EMERSON PHARMACY, INC. DBA
LOYOLA PHARMACY, PHY 53692
Respondent

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1 application or petition is filed, and all of the charges and allegations contained in Accusation No.
2 7082 shall be deemed to be true, correct and admitted by Respondents when the Board determines
3 whether to grant or deny the application(s) or petition(s).

4 8. Respondents shall pay the agency its costs of investigation and enforcement in the
5 amount of \$2,017.50 prior to issuance of a new or reinstated license.

6 9. If Respondents should ever apply or reapply for a new license or certification, or
7 petition for reinstatement of a license, by any other health care licensing agency in the State of
8 California, all of the charges and allegations contained in Accusation, No. 7082 shall be deemed
9 to be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any
10 other proceeding seeking to deny or restrict licensure.

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

13 **ACCEPTANCE**

14 I have carefully read the above Stipulated Surrender of License and Order and have fully
15 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
16 will have on my Permit (PHY 53692). I enter into this Stipulated Surrender of License and Order
17 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
18 Board of Pharmacy.

19
20 DATED: 08/24/2021

21 NIMA RODEFSHALOM
22 As President and authorized agent on behalf
23 of EMERSON PHARMACY, INC. DBA
24 LOYOLA PHARMACY, PHY 53692
25 Respondent

26 ///

27 ///

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///

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1 I have carefully read the above Stipulated Surrender of License and Order and have fully
2 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
3 will have on my Permit (PHY 48754). I enter into this Stipulated Surrender of License and Order
4 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
5 Board of Pharmacy.

6
7 DATED: _____

NIMA RODEFSHALOM

As President and authorized agent on behalf
of EMERSON PHARMACY, INC. DBA
LOYOLA PHARMACY, PHY 48754
Respondent

11 I have carefully read the above Stipulated Surrender of License and Order and have fully
12 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
13 will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order
14 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
15 Board of Pharmacy.

16
17 DATED: _____

NIMA RODEFSHALOM

Respondent

20 I have carefully read the above Stipulated Surrender of License and Order and have fully
21 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
22 will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order
23 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
24 Board of Pharmacy.

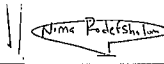
25
26 DATED: _____

MEHRAN RODEFSHALOM

Respondent

1 I have carefully read the above Stipulated Surrender of License and Order and have fully
2 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
3 will have on my Permit (PHY 48754). I enter into this Stipulated Surrender of License and Order
4 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
5 Board of Pharmacy.

6
7 DATED: 08/24/2021


NIMA RODEFSHALOM
As President and authorized agent on behalf
of EMERSON PHARMACY, INC. DBA
LOYOLA PHARMACY, PHY 48754
Respondent


11 I have carefully read the above Stipulated Surrender of License and Order and have fully
12 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
13 will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order
14 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
15 Board of Pharmacy.

16
17 DATED: 08/24/2021


NIMA RODEFSHALOM
Respondent

20 I have carefully read the above Stipulated Surrender of License and Order and have fully
21 discussed it with my attorney Herbert L. Weinberg. I understand the stipulation and the effect it
22 will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order
23 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
24 Board of Pharmacy.

25
26 DATED: 08-24-2021


MEHRAN RODEESHALOM
Respondent

1 I have read and fully discussed with Respondents Emerson Pharmacy, Inc. dba Loyola
2 Pharmacy; Respondent Emerson Pharmacy, Inc. dba Loyola Pharmacy; Nima Rodefshalom,
3 Joseph Kohan, Mehran Kohan-Bash the terms and conditions and other matters contained in this
4 Stipulated Surrender of License and Order. I approve its form and content.

5
6 DATED: _____

HERBERT L. WEINBERG
Attorney for Respondent

7
8
9 **ENDORSEMENT**

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

12 DATED: _____

Respectfully submitted,

13 ROB BONTA
14 Attorney General of California
15 CARL W. SONNE
Senior Assistant Attorney General

16
17 THOMAS L. RINALDI
18 Supervising Deputy Attorney General
Attorneys for Complainant

19
20
21 LA2021600654
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1 I have read and fully discussed with Respondents Emerson Pharmacy, Inc. dba Loyola
2 Pharmacy; Respondent Emerson Pharmacy, Inc. dba Loyola Pharmacy; Nima Rodefshalom,
3 Joseph Kohan, Mehran Kohan-Bash the terms and conditions and other matters contained in this
4 Stipulated Surrender of License and Order. I approve its form and content.

5
6 DATED:

9/3/2021


HERBERT L. WEINBERG
Attorney for Respondent

8
9 **ENDORSEMENT**

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

12 DATED: 9/23/21

Respectfully submitted,

13
14 ROB BONTA
Attorney General of California
15 CARL W. SONNE
Senior Assistant Attorney General

16 
17 THOMAS L. RINALDI
Supervising Deputy Attorney General
18 Attorneys for Complainant

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Exhibit A

Accusation No. 7082

MATTHEW RODRIQUEZ
Acting Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General
THOMAS L. RINALDI
Supervising Deputy Attorney General
State Bar No. 206911
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
Telephone: (213) 269-6310
Facsimile: (916) 731-2126
Attorneys for Complainant

**BEFORE THE
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MEHRAN KOHAN-BASH**
8610 S. Sepulveda Blvd, #108
Los Angeles, CA 90045

ACCUSATION

Permit No. PHY 53692,

**EMERSON PHARMACY, INC.
DBA LOYOLA PHARMACY,
NIMA RODEFSHALOM, JOSEPH KOHAN,
MEHRAN KOHAN-BASH**
8400 Lincoln Blvd
Los Angeles, CA 90045

Permit No. PHY 48754,

NIMA RODEFSHALOM
2222 Guthrie Cir
Los Angeles, CA 90034

Pharmacist License No. RPH 55990,

and

MEHRAN KOHAN-BASH
324 Beverly Dr. #261
Beverly Hills, CA 90212

Pharmacist License No. RPH 44499

Respondents.

PARTIES

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

2. On or about June 24, 2015, the Board issued Permit Number PHY 53692 to Emerson Pharmacy, Inc. dba Loyola Pharmacy (Respondent LP1); with Nima Rodefshalom (Respondent Rodefshalom) designated as the President and 50 % shareholder from June 24, 2015 to August 10, 2018, Joseph Kohan (Respondent Kohan) designated as Chief Financial Officer and 25% shareholder from November 14, 2007 to August 10, 2018 , and Mehran Kohan-Bash (Respondent Kohan-Bash) designated as Secretary and 25 % shareholder from June 24, 2015 to August 10, 2018. The Permit expired on August 10, 2018, and has not been renewed.

3. On or about November 14, 2007, the Board issued Permit Number PHY 48754 to Emerson Pharmacy, Inc. dba Loyola Pharmacy (Respondent LP2), with Respondent Rodefshalom designated as President and 50 % shareholder from November 14, 2007 to July 13, 2015, Respondent Kohan designated as Chief Financial Officer and 25 % shareholder from November 14, 2007 to July 13, 2015, and Respondent Kohan-Bash designated as Secretary and 25% shareholder from November 14, 2007 to July 13, 2015. The Permit expired on July 13, 2015, and has not been renewed.

4. On or about August 6, 2004, the Board issued Pharmacist License Number RPH 55990 to Respondent Rodefshalom. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2021, unless renewed.

5. On or about August 9, 1991, the Board issued Pharmacist License Number RPH 44499 to Respondent Kohan-Bash. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2022, unless renewed.

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 unless otherwise indicated.

1 7. Section 4300 provides, in pertinent part, that every license issued by the Board is
2 subject to discipline, including suspension or revocation.

3 8. Section 4300.1 states:

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

10 STATUTORY PROVISIONS

11 9. Section 490 provides, in pertinent part, that a board may suspend or revoke a license
12 on the ground that the licensee has been convicted of a crime substantially related to the
13 qualifications, functions, or duties of the business or profession for which the license was issued.
14

15 10. Section 4301 states, in pertinent part:

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

19

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

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

25

26 (l) The conviction of a crime substantially related to the qualifications,
27 functions, and duties of a licensee under this chapter. The record of conviction of a
28 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
States Code regulating controlled substances or of a violation of the statutes of this
state regulating controlled substances or dangerous drugs shall be conclusive
evidence of unprofessional conduct. In all other cases, the record of conviction shall
be conclusive evidence only of the fact that the conviction occurred. The board may
inquire into the circumstances surrounding the commission of the crime, in order to
fix the degree of discipline or, in the case of a conviction not involving controlled
substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of

1 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
2 dismissing the accusation, information, or indictment.

3 11. Section 4302 states:

4 The board may deny, suspend, or revoke any license of a corporation where
5 conditions exist in relation to any person holding 10 percent or more of the corporate
6 stock of the corporation, or where conditions exist in relation to any officer or
7 director of the corporation that would constitute grounds for disciplinary action
8 against a licensee.

9 12. Section 4307 states, in pertinent part:

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

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

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

27 **REGULATORY PROVISIONS**

28 13. California Code of Regulations, title 16, section 1770, states:

For the purpose of denial, suspension, or revocation of a personal or facility
license pursuant to Division 1.5 (commencing with Section 475) of the Business and
Professions Code, a crime or act shall be considered substantially related to the
qualifications, functions or duties of a licensee or registrant if to a substantial degree
it evidences present or potential unfitness of a licensee or registrant to perform the
functions authorized by his license or registration in a manner consistent with the
public health, safety, or welfare.

COST RECOVERY

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

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FACTUAL BACKGROUND

15. On or about December 7, 2020 , after pleading guilty, Respondent Rodefshalom and Respondent Kohan-Bash were convicted of three felony counts, Count 1, violating Title 18, United States Code section 371 [conspiracy], Count 2 , violating Title 18, United States Code section 1349 [fraud conspiracy], and Count 3, violating Title 18, United States Code section 1347 [health care fraud] in the criminal proceeding entitled *United States of America v. Rodefshalom, et al.* (U.S. Dist. Ct. W.D. Pa., 2020, No. 1:20-CR-0009). On or about December 8, 2020 in the same criminal proceeding Respondent Kohan pled guilty to three felony counts, Count 1 through Count 3, and Respondent LP1 and Respondent LP2 pled guilty to two felony counts, Count 1 and Count 2. As part of the plea agreement, all defendants agreed to pay \$54,500,000 in restitution and voluntarily forfeit \$48,284,978.20.

16. The circumstances underlying the conviction are that between September 2013 through May 2018, Respondent Rodefshalom, Respondent Kohanbash, and Respondent Kohan conspired with others, including Respondents LP1 and Respondent LP2, to engage in a healthcare fraud scheme that involved targeting bariatric surgical patients with misleading advertisements for nutritional shakes. Specifically, online advertisements and the pharmacy's website falsely claimed that nutritional shakes would be covered by the patient's health insurance. In addition to the nutritional shakes, the patients were convinced by the pharmacies to solicit their physicians for medications that were both expensive and medically unnecessary. These additional medications were either compounded or manufactured by other pharmacies that were under the management and control of Respondents Rodefshalom, Kohanbash, and Kohan. They also purchased generic prescription drugs and over-the counter products and relabeled them so their pharmacies could appear to be the original manufacturer, which enabled them to charge higher prices for medications that would otherwise have been less expensive. In furtherance of the fraud scheme, the pharmacies used prepaid debit cards to charge fictitious transactions at the same dollar amount of the copay to falsely represent that copays were actually being collected when in fact they were not. Both private insurances

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1 carries and government-run health programs were defrauded when reimbursement claims for
2 these medications were submitted.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of a Substantially Related Crime)**

5 17. Respondent LP1, Respondent LP2, Respondent Rodefshalom, Respondent Kohan-
6 Bash, and Respondent Kohan are subject to disciplinary action under section 4301, subdivision (l)
7 and 4302, in conjunction with California Code of Regulations, title 16, section 1770, on the
8 grounds of unprofessional conduct, in that Respondents committed a substantially related crime.
9 Complainant refers to, and by this reference incorporates, the allegations set forth above in
10 paragraphs 15 and 16, as though set forth fully herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Dishonesty, Fraud, or Deceit)**

13 18. Respondent LP1, Respondent LP2, Respondent Rodefshalom, Respondent Kohan-
14 Bash, and Respondent Kohan are subject to disciplinary action under section 4301, subsection (f),
15 in that Respondents committed acts of dishonesty, fraud, or deceit by knowingly and willfully
16 executing and attempting to execute a scheme to defraud a healthcare benefit program.
17 Complainant refers to, and by this reference incorporates, the allegations set forth above in
18 paragraphs 15 and 16, as though set forth fully herein.

19 **THIRD CAUSE FOR DISCIPLINE**

20 **(Knowingly Made or Signed Any Documents That**

21 **Falsely Represent the Existence or Nonexistence of a State Of Facts)**

22 19. Respondent LP1, Respondent LP2, Respondent Rodefshalom, Respondent Kohan-
23 Bash, and Respondent Kohan are subject to disciplinary action under section 4301, in that
24 Respondents knowingly made and signed documents that falsely represented the existence or
25 nonexistence of a state of facts. Complainant refers to and by this reference incorporates the
26 allegations set forth above in paragraphs 15 and 16, as though set forth fully herein.

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1 **DISCIPLINE CONSIDERATIONS**

2 20. To determine the degree of discipline, if any, Complainant alleges that on or about
3 July 28, 2010, in a prior disciplinary action titled In the Matter of the Accusation Against
4 Emerson Pharmacy Inc., dba Emerson Pharmacy, Nima Rodefshalom, President, Pharmacist-In-
5 Charge, Mehran Kohan-Bash, Secretary, Joseph Kohan, Treasurer, Chief Financial Officer,
6 before the Board of Pharmacy, in Case Number 3330. Respondent's licenses were revoked and
7 stayed. Respondent Emerson Pharmacy Inc., Permit No. 48754 was placed on probation for a
8 period of three years and Respondent Rodefshalom was placed on probation for a period two
9 years, with terms and conditions. That decision is now final.

10 **OTHER MATTERS**

11 21. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
12 PHY 53692, issued to Respondent LP1, Respondent LP1 shall be prohibited from serving as a
13 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
14 five years if Pharmacy Permit Number PHY 53692 is placed on probation or until Pharmacy
15 Permit Number PHY 53692 is reinstated if it is revoked.

16 22. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
17 PHY 53692, issued to Respondent LP1, while Respondent Rodefshalom, Respondent Kohan-
18 Bash, and/or Respondent Kohan have been an officer, director, and/or owner and had knowledge
19 of or knowingly participated in any conduct for which the licensee was disciplined, while
20 Respondent Rodefshalom, Respondent Kohan-Bash, and/or Respondent Kohan shall be
21 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
22 or partner of a licensee for five years if Pharmacy Permit Number PHY 53692 is placed on
23 probation or until Pharmacy Permit Number PHY 53692 is reinstated if it is revoked.

24 23. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
25 PHY 48754, issued to Respondent LP2, Respondent LP2 shall be prohibited from serving as a
26 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
27 five years if Pharmacy Permit Number PHY 48754 is placed on probation or until Pharmacy
28 Permit Number PHY 48754 is reinstated if it is revoked.

24. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 48754, issued to Respondent LP2, while Respondent Rodefshalom, Respondent Kohan-Bash, and/or Respondent Kohan have been an officer, director, and/or owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, while Respondent Rodefshalom, Respondent Kohan-Bash, and/or Respondent Kohan 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 Number PHY 48754 is placed on probation or until Pharmacy Permit Number PHY 48754 is reinstated if it is revoked.

25. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 55990, issued to Respondent Rodefshalom, Respondent Rodefshalom shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 55990 is placed on probation or until Pharmacy License Number RPH 55990 is reinstated if it is revoked.

26. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 44499, issued to Respondent Kohan-Bash, Respondent Kohan-Bash shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 44499 is placed on probation or until Pharmacy License Number RPH 44499 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 53692, issued to Emerson Pharmacy, Inc. dba Loyola Pharmacy; Nima Rodefshalom, Joseph Kohan, and Mehran Kohan-Bash;

2. Revoking or suspending Permit Number PHY 48754, issued to Emerson Pharmacy, Inc. dba Loyola Pharmacy, Nima Rodefshalom, Joseph Kohan, and Mehran Kohan-Bash;

3. Revoking or suspending Pharmacist License Number RPH 55990, issued to Nima Rodefshalom;

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1 4. Revoking or suspending Pharmacist License Number RPH 44499, issued to Mehran
2 Kohan-Bash;

3 5. Prohibiting Emerson Pharmacy, Inc. dba Loyola Pharmacy (PHY 53692), from
4 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
5 licensee for five years if Permit Number PHY 53692 is placed on probation or until Permit
6 Number PHY 53692 is reinstated if it is revoked;

7 6. Prohibiting Respondent Rodefshalom, Respondent Kohan-Bash, and/or Respondent
8 Kohan from serving as a manager, administrator, owner, member, officer, director, associate, or
9 partner of a licensee for five years if Permit Number PHY 53692 is placed on probation or until
10 Permit Number PHY 53692 is reinstated if it is revoked;

11 7. Prohibiting Emerson Pharmacy, Inc. dba Loyola Pharmacy (PHY 48754), from
12 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
13 licensee for five years if Permit Number PHY 48754 is placed on probation or until Permit
14 Number PHY 48754 is reinstated if it is revoked;

15 8. Prohibiting Respondent Rodefshalom, Respondent Kohan-Bash, and/or Respondent
16 Kohan from serving as a manager, administrator, owner, member, officer, director, associate, or
17 partner of a licensee for five years if Permit Number PHY 48754 is placed on probation or until
18 Permit Number PHY 48754 is reinstated if it is revoked;

19 9. Prohibiting Nima Rodefshalom from serving as a manager, administrator, owner,
20 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
21 Number RPH 55990 is placed on probation or until Pharmacist License Number RPH 55990 is
22 reinstated if it is revoked;

23 10. Prohibiting Mehran Kohan-Bash from serving as a manager, administrator, owner,
24 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
25 Number RPH 44499 is placed on probation or until Pharmacist License Number RPH 44499 is
26 reinstated if it is revoked,

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1 11. Ordering Loyola Pharmacy, Loyola Pharmacy, Nima Rodefshalom Joseph Kohan,
2 and Mehran Kohan-Bash to pay the Board of Pharmacy the reasonable costs of the investigation
3 and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

4 12. Taking such other and further action as deemed necessary and proper.

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7 DATED: 4/14/2021

Signature on File

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

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