

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

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

**MARTEK PHARMACAL CO.,  
Out-of-State Distributor License No. OSD 5010 &  
Out-of-State Distributor License No. OSD 7820;**

**and**

**ANDREW EDWARD STECK JR.,  
Designated Representative License No. EXC 19164,**

**Respondents**

**Agency Case No. 7135**

## DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on May 25, 2022.

It is so ORDERED on April 25, 2022.

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 the most prominent parts.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General  
3 BRENT O. JEX  
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:

13 **MARTEK PHARMACAL CO.**  
14 2303 Atlantic Ave  
15 Manasquan, NJ 08736

16 **Out-of-State Distributor License No. OSD 5010;**  
17 **Out-of-State Distributor License No. OSD 7820**

18 **and**

19 **ANDREW EDWARD STECK JR.**  
20 P.O. Box 412  
Allenwood, NJ 08720

21 **Designated Representative License No. EXC**  
22 **19164**

23 Respondents.

Case No. 7135

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

**[Bus. & Prof. Code § 495]**

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

3 **PARTIES**

4 1. Anne Sodergren (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 Brent O. Jex, Deputy Attorney  
7 General.

8 2. Martek Pharmacal Co. (Respondent Martek) and Andrew Edward Steck Jr.  
9 (Respondent Steck) are represented in this proceeding by Sweta H. Patel, Esq., Klein, Hockel,  
10 Iezza & Patel, P.C., 1981 North Broadway, Suite 220, Walnut Creek, CA 94596-3877.

11 **JURISDICTION**

12 3. On or about February 14, 2007, the Board issued Out-of-State Distributor License  
13 Number OSD 5010 to Respondent Martek. The Out-of-State Distributor License expired on  
14 February 1, 2021 and was cancelled on April 13, 2021 pursuant to a change in location.

15 4. On or about March 22, 2021, the Board issued Out-of-State Distributor License  
16 Number OSD 7820 to Respondent Martek. The Out-of-State Distributor License will expire on  
17 March 1, 2022, unless renewed.

18 5. On or about February 9, 2007, the Board issued Designated Representative License  
19 Number EXC 19164 to Respondent Steck. The Designated Representative License was in full  
20 force and effect all times relevant to the charges brought herein and will expire on February 1,  
21 2023, unless renewed.

22 6. Respondent Steck has been the President and Designated Representative-in-Charge  
23 for Respondent Martek at all times since February 14, 2007. Respondent Martek and Respondent  
24 Steck are collectively referred to herein as "Respondents."

25 7. Accusation No. 7135 was filed before the Board and is currently pending against  
26 Respondents. The Accusation and all other statutorily required documents were properly served  
27 on Respondents on September 1, 2021. Respondents timely filed their Notice of Defense  
28 contesting the Accusation. A copy of Accusation No. 7135 is attached as Exhibit A and

1 incorporated herein by reference.

2 **ADVISEMENT AND WAIVERS**

3 8. Respondents have carefully read, fully discussed with counsel, and understand the  
4 charges and allegations in Accusation No. 7135. Respondents have also carefully read, fully  
5 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary  
6 Order for Public Reapproval.

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

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

16 **CULPABILITY**

17 11. Respondents understand and agree that the charges and allegations in Accusation No.  
18 7135, if proven at a hearing, constitute cause for imposing discipline upon Respondent Martek's  
19 Out of State Distributor Licenses, and Respondent Steck's Designated Representative License.

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

24 **CONTINGENCY**

25 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents  
26 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may  
27 communicate directly with the Board regarding this stipulation and settlement, without notice to  
28 or participation by Respondents or their counsel. By signing the stipulation, Respondents

1 understand and agree that they may not withdraw their agreement or seek to rescind the  
2 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this  
3 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public  
4 Reproval shall be of no force or effect, except for this paragraph, it shall be inadmissible in any  
5 legal action between the parties, and the Board shall not be disqualified from further action by  
6 having considered this matter.

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

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

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

#### 20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Out-of-State Distributor License Number OSD 5010 and  
22 Out of State Distributor License No. 7820 issued to Respondent Martek, and Designated  
23 Representative License Number EXC 19164 issued to Respondent Steck shall be publicly  
24 reprovved by the Board of Pharmacy under Business and Professions Code section 495 in  
25 resolution of Accusation No. 7135, attached as Exhibit A.

26 **Coursework.** Within sixty days of the effective date of this decision, Respondent Steck  
27 shall submit to the Board or its designee, for prior approval, an appropriate program of remedial  
28 education (in-person or live webinar) on prescription drug abuse. The program of remedial

1 shall consist of at least six hours, which shall be completed within six months at Respondent  
2 Steck's own expense.

3 Following the completion of each course, the Board or its designee may require Respondent  
4 Steck, at his own expense, to take an approved examination to test Respondent Steck's knowledge  
5 of the course. If Respondent Steck does not achieve a passing score on the examination, that  
6 course shall not count towards satisfaction of this term. Respondent Steck shall take another  
7 course approved by the Board in the same subject area.

8 **Cost Recovery.** No later than six months from the effective date of the Decision,  
9 Respondent Martek shall pay \$5,555.00 to the Board for its costs associated with the investigation  
10 and enforcement of this matter pursuant to Business and Professions Code Section 125.3. If  
11 Respondent Martek fails to pay the Board costs as ordered, Respondent Martek shall not be  
12 allowed to renew its Out of State Distributor License until Respondent Martek pays costs in full.  
13 In addition, the Board may enforce this order for payment of its costs in any appropriate court, in  
14 addition to any other rights the Board may have.

15 **Administrative Fine.** Respondent Martek shall pay an administrative fine to the Board in  
16 the amount of \$5,000.00. Respondent Martek shall have six months from the effective date of  
17 this Decision and Order to pay the administrative fine. Failure to pay the administrative fine as  
18 ordered shall be considered a violation of probation.

19 **Full Compliance.** As a resolution of the charges in Accusation No. 7135, this stipulated  
20 settlement is contingent upon Respondents' full compliance with all conditions of this Order. If  
21 Respondents fail to satisfy any of these conditions, such failure to comply constitutes cause for  
22 discipline, including outright revocation, of Respondents' Out of State Distributor License and  
23 Designated Representative License.

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25 ///

**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorney, Sweta H. Patel, Esq. I understand the stipulation and the effect it will have on the Out of State Distributor Licenses, and Designated Representative License. I enter into this Stipulated Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

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

\_\_\_\_\_  
ANDREW EDWARD STECK JR., individually  
and as President and Designated Representative-in-  
Charge for MARTEK PHARMACAL CO.  
*Respondents*

I have read and fully discussed with Andrew Edward Steck Jr., individually and as President and Designated Representative-in-Charge for Martek Pharmacal Co., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reproval. I approve its form and content.

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

\_\_\_\_\_  
SWETA H. PATEL, ESQ.  
*Attorney for Respondents*



**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney, Sweta H. Patel, Esq. I understand the stipulation and the effect it will have on the Out of State Distributor Licenses, and Designated Representative License. I enter into this Stipulated Settlement and Disciplinary Order for Public Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

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

2/24/22

Andrew Edward Steck Jr.

ANDREW EDWARD STECK JR., individually  
and as President and Designated Representative-in-  
Charge for MARTEK PHARMACAL CO.  
*Respondents*

I have read and fully discussed with Andrew Edward Steck Jr., individually and as President and Designated Representative-in-Charge for Martek Pharmacal Co., the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and content.

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

[Signature]

SWETA H. PATEL, ESQ.  
*Attorney for Respondents*

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**ENDORSEMENT**

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

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

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General

BRENT O. JEX  
Deputy Attorney General  
*Attorneys for Complainant*

**ENDORSEMENT**

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

DATED: March 18, 2022

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ANDREW M. STEINHEIMER  
Supervising Deputy Attorney General

*/s/ Brent O. Jex*

BRENT O. JEX  
Deputy Attorney General  
*Attorneys for Complainant*

1 ROB BONTA  
Attorney General of California  
2 DAVID E. BRICE  
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7 *Attorneys for Complainant*

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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. 7135

13 **MARTEK PHARMACAL CO.**

14 2303 Atlantic Ave  
15 Manasquan, NJ 08736

**ACCUSATION**

16 **Out-of-State Distributor License No. 5010;**  
17 **Temporary Out-of-State Distributor License**  
**No. 7820**

18 **and**

19 **ANDREW EDWARD STECK JR.**

20 P.O. Box 412  
21 Allenwood, NJ 08720

22 **Designated Representative License No.**  
**EXC 19164**

23 Respondents.  
24

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 (Board), Department of Consumer Affairs.  
28

2. On or about February 14, 2007, the Board issued Out-of-State Distributor License Number OSD 5010 to Martek Pharmacal Co. (Respondent Martek). The Out-of-State Distributor License expired on February 1, 2021 and was cancelled on April 13, 2021 pursuant to a change in location.

3. On or about March 22, 2021, the Board issued temporary Out-of-State Distributor License Number OSD 7820 to Respondent Martek. The temporary Out-of-State Distributor License will expire on July 15, 2021, unless renewed.

4. On or about February 9, 2007, the Board issued Designated Representative License Number EXC 19164 to Andrew Edward Steck Jr. (Respondent Steck). The Designated Representative License was in full force and effect all times relevant to the charges brought herein and will expire on February 1, 2022, unless renewed.

5. Respondent Steck has been the President and Designated Representative-in-Charge for Respondent Martek at all times since February 14, 2007. Respondent Martek and Respondent Steck are collectively referred to herein 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. Code section 4011 provides that the Board shall administer and enforce both the Pharmacy Law (Business and Professions Code sections 4400, et seq.) and the Uniform Controlled Substances Act (Health and Safety Code sections 11000, et seq.).

8. Code section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

3 (4) Revoking his or her license.

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

6 ...

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

12 9. Code section 4300.1 states:

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

### 19 **STATUTORY PROVISIONS**

20 10. Code section 141 provides:

21 (a) For any licensee holding a license issued by a board under the jurisdiction  
22 of the department, a disciplinary action taken by another state, by any agency of  
23 the federal government, or by another country for any act substantially related to  
24 the practice regulated by the California license, may be a ground for disciplinary  
25 action by the respective state licensing board. A certified copy of the record of the  
26 disciplinary action taken against the licensee by another state, an agency of the  
27 federal government, or another country shall be conclusive evidence of the events  
28 related therein.

(b) Nothing in this section shall preclude a board from applying a specific  
statutory provision in the licensing act administered by that board that provides for  
discipline based upon a disciplinary action taken against the licensee by another  
state, an agency of the federal government, or another country.

11. Code section 4301 provides, 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 includes, but is not limited to, any of the following:

1 ...

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

5 ...

6 (j) The violation of any of the statutes of this state, of any other state, or of  
7 the United States regulating controlled substances and dangerous drugs.

8 ...

9 (n) The revocation, suspension, or other discipline by another state of a  
10 license to practice pharmacy, operate a pharmacy, or do any other act for which a  
11 license is required by this chapter that would be grounds for revocation,  
12 suspension, or other discipline under this chapter. Any disciplinary action taken by  
13 the board pursuant to this section shall be coterminous with action taken by  
14 another state, except that the term of any discipline taken by the board may exceed  
15 that of another state, consistent with the board's enforcement guidelines. The  
16 evidence of discipline by another state is conclusive proof of unprofessional  
17 conduct.

18 ...

19 12. Code section 4307(a) states:

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

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1 **COST RECOVERY**

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

6 **OUT-OF-STATE DISCIPLINE**

7 14. On August 30, 2017, the Ohio State Board of Pharmacy (Ohio Board) notified  
8 Respondent Martek about a pending investigation against its Wholesale Distributor of Dangerous  
9 Drugs license. The alleged violations were that Respondent Martek sold approximately 947,800  
10 unit doses of controlled substance diet drugs to five physicians without reporting these sales to the  
11 Ohio Board.

12 15. On or about April 2, 2019, Respondent Martek entered into a Settlement Agreement  
13 with the Ohio Board, wherein Respondent acknowledged it had already voluntarily relinquished  
14 its Wholesaler Distributor of Dangerous Drugs license, agreed to never reapply for any license  
15 issued by the Ohio Board, and agreed to pay a monetary penalty in the amount of \$10,000.  
16 Respondent Martek further acknowledged that the Ohio Board had sufficient evidence to sustain  
17 the allegations regarding unreported sales of controlled substance diet drugs.

18 **FIRST CAUSE FOR DISCIPLINE**

19 (Unprofessional Conduct – Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

20 16. Respondents are subject to disciplinary action under Code section 4301, subdivision  
21 (f), in that, as set forth in paragraphs 14-15, Respondent Martek sold approximately 947,800 unit  
22 doses of controlled substance diet drugs to five physicians without reporting these sales to the  
23 Ohio Board.

24 **SECOND CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct – Violation of Other State's Statutes Regarding Controlled Substances)

26 17. Respondents are subject to disciplinary action under Code section 4301, subdivision  
27 (j), in that, as set forth in paragraphs 14-15, Respondent Martek sold approximately 947,800 unit  
28



1 doses of controlled substance diet drugs to five physicians without reporting these sales to the  
2 Ohio Board.

3 **THIRD CAUSE FOR DISCIPLINE**

4 (Unprofessional Conduct – Out-of-State Discipline)

5 18. Respondent Martek is subject to disciplinary action under Code sections 4301,  
6 subdivision (n), and 141, in that, as set forth in paragraphs 14-15, Respondents were disciplined  
7 by another state when on or about April 2, 2019, Respondent Martek entered into a Settlement  
8 Agreement with the Ohio Board which imposed discipline on Respondent Martek and the  
9 Wholesaler Distributor of Dangerous Drugs license formerly held by Respondent Martek. The  
10 circumstances are that Respondent Martek sold approximately 947,800 unit doses of controlled  
11 substance diet drugs to five physicians without reporting these sales to the Ohio Board.

12 **OTHER MATTERS**

13 19. Under Code section 4307, if Designated Representative License Number EXC 19164,  
14 issued to Respondent Steck is suspended, revoked, or placed on probation, Respondent Steck  
15 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,  
16 associated, or partner of a licensee of the Board.

17 20. Under Code section 4307, if Out-of-State Distributor License Number OSD 5010  
18 and/or temporary Out-of-State Distributor License Number OSD 7820, both issued to Respondent  
19 Martek, are suspended, revoked, or placed on probation, and Respondent Steck, while acting as  
20 the manager, administrator, owner, member, officer, director, associate, or partner, had  
21 knowledge of or knowingly participated in any conduct for which Out-of-State Distributor  
22 License Number OSD 5010 and/or temporary Out-of-State Distributor License Number OSD  
23 7820 were revoked, suspended, or placed on probation, Respondent Steck shall be prohibited  
24 from serving as a manager, administrator, owner, member, officer, director, associated, or partner  
25 of a licensee of the Board.

26 **PRAYER**

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

- 1           1.     Revoking or suspending Out-of-State Distributor License Number OSD 5010, issued
- 2 to Martek Pharmacal Co.;
- 3           2.     Revoking or suspending temporary Out-of-State Distributor License Number OSD
- 4 7820, issued to Martek Pharmacal Co.;
- 5           3.     Revoking or suspending Designated Representative License Number EXC 19164,
- 6 issued to Andrew Edward Steck Jr.;
- 7           4.     Prohibiting Andrew Edward Steck Jr. from serving as a manager, administrator,
- 8 owner, member, officer, director, associate, or partner of a licensee of the Board;
- 9           5.     Ordering Martek Pharmacal Co. and Andrew Edward Steck Jr. to pay the Board of
- 10 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
- 11 Business and Professions Code section 125.3; and,
- 12           6.     Taking such other and further action as deemed necessary and proper.

13  
14           DATED:     7/29/2021

Signature on File

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