

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

In the Matter of the Accusation Against:

**NATALIE GOLD INC DBA BURBANK TOWER PHARMACY, KARINA
NAZARIAN, ARTIN AGHAKHANI,**

Pharmacy Permit No. PHY 53938;

and

ARTIN AGHAKHANI,

Pharmacist License No. RPH 72110;

Respondents.

Agency Case No. 7154

OAH No. 2021080234

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 January 19, 2022.

It is so ORDERED on December 20, 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 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DIANA PETIKYAN
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

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

17 **and**

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

20 Respondents.

21 In the Matter of the Statement of Issues
Against:

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

25 Community Pharmacy License Applicant

26 Respondents.
27
28

Case No. 7035

Lead OAH No. 2021030030

STIPULATED SURRENDER AS TO
RESPONDENT NATALIE GOLD INC.
DBA BURBANK TOWER PHARMACY,
KARINA NAZARIAN, ARTIN
AGHAKHANI [PHY 53938] ONLY

Case No. 7049

OAH No. 2021030031

In the Matter of the Accusation Against:

Case No. 7154

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

OAH No. 2021080234

and

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

Respondents.

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

PARTIES

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

2. Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani (Respondent) is represented in this proceeding by attorney Ivan Petrzela of Gemini Law, P.O. Box 552, Red Bluff, CA 96080; (530) 387-2452.

3. On or about June 1, 2016, the Board issued Permit No. PHY 53938 to Respondent. The Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 7154 and will expire on June 1, 2022, unless renewed.

JURISDICTION

4. Accusation No. 7154 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on July 21, 2021. Respondent timely filed its Notice of Defense contesting the Accusation. A copy of Accusation No. 7154 is attached as Exhibit A and incorporated by reference.

1 **ADVISEMENT AND WAIVERS**

2 5. Respondent has carefully read, fully discussed with counsel, and understands the
3 charges and allegations in Accusation No. 7154. Respondent also has carefully read, fully
4 discussed with counsel, and understands the effects of this Stipulated Surrender of License and
5 Order.

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

12 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
13 every right set forth above.

14 **CULPABILITY**

15 8. Respondent admits the truth of each and every charge and allegation in Accusation
16 No. 7154, agrees that cause exists for discipline and hereby surrenders their Permit No. PHY
17 53938 for the Board's formal acceptance.

18 9. Respondent understands that by signing this stipulation Respondent enables the Board
19 to issue an order accepting the surrender of their Permit without further process.

20 **CONTINGENCY**

21 10. This stipulation shall be subject to approval by the Board. Respondent understands
22 and agrees that counsel for Complainant and the staff of the Board may communicate directly
23 with the Board regarding this stipulation and surrender, without notice to or participation by
24 Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that
25 they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board
26 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
27 the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this
28

1 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
2 be disqualified from further action by having considered this matter.

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

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

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

14 **ORDER**

15 IT IS HEREBY ORDERED that Permit No. PHY 53938, issued to Respondent Natalie
16 Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani, is surrendered and
17 accepted by the Board. The surrender shall be stayed for ninety (90) days from the effective date
18 of the Decision, at which time Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian,
19 Artin Aghakhani shall be sold or closed. During this 90-day stay, Respondent must secure a
20 pharmacy consultant to perform bi-monthly reviews and reports to the Board.

21 1. The surrender of Respondent's Permit No. PHY 53938 and the acceptance of the
22 surrendered Permit by the Board shall constitute the imposition of discipline against Respondent.
23 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
24 license history with the Board.

25 2. Respondent shall lose all rights and privileges as a pharmacy in California (90) days
26 from the effective date of the Board's Decision and Order.

1 3. Respondent shall cause to be delivered to the Board its pocket license and, if one was
2 issued, its wall certificate on or before (90) days from the effective date of the Board's Decision
3 and Order.

4 4. Respondent may not reapply for any license from the Board for three (3) years from
5 the effective date of this decision.

6 5. If Respondent should ever apply for licensure or petition for reinstatement in the State
7 of California, the Board shall treat it as a new application for licensure. Respondent must comply
8 with all the laws, regulations and procedures for licensure in effect at the time the application or
9 petition is filed, and all of the charges and allegations contained in Accusation No. 7154 shall be
10 deemed to be true, correct and admitted by Respondent when the Board determines whether to
11 grant or deny the application or petition.

12 6. If Respondent should ever apply or reapply for a new license or certification, or
13 petition for reinstatement of a license, by any other health care licensing agency in the State of
14 California, all of the charges and allegations contained in Accusation, No. 7154 shall be deemed
15 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any
16 other proceeding seeking to deny or restrict licensure.

ACCEPTANCE

I have carefully read the above Stipulated Surrender as to Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani [PHY 53938] Only and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Surrender as to Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani [PHY 53938] Only voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

NATALIE GOLD INC. DBA BURBANK
TOWER PHARMACY, KARINA
NAZARIAN, ARTIN AGHAKHANI
Respondent

I have read and fully discussed with Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani the terms and conditions and other matters contained in this Stipulated Surrender as to Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani [PHY 53938] Only. I approve its form and content.

DATED: _____

IVAN PETRZELKA
Attorney for Respondent

ACCEPTANCE

I have carefully read the above Stipulated Surrender as to Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani [PHY 53938] Only and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Permit. I enter into this Stipulated Surrender as to Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani [PHY 53938] Only voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 10/26/2021



NATALIE GOLD INC. DBA BURBANK
TOWER PHARMACY, KARINA
NAZARIAN, ARTIN AGHAKHANI
Respondent

I have read and fully discussed with Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani the terms and conditions and other matters contained in this Stipulated Surrender as to Respondent Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani [PHY 53938] Only. I approve its form and content.

DATED: November 10, 2021



IVAN PETRZELKA
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of Permit and Order 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
THOMAS L. RINALDI
Supervising Deputy Attorney General

DIANA PETIKYAN
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: November 10, 2021

Respectfully submitted,

ROB BONTA
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General



DIANA PETIKYAN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7154

1 ROB BONTA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 DIANA PETIKYAN
Deputy Attorney General
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E-mail: Diana.Petikyan@doj.ca.gov
7 *Attorneys for Complainant*

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. 7154

13 **NATALIE GOLD INC. DBA BURBANK**
14 **TOWER PHARMACY, KARINA**
15 **NAZARIAN, ARTIN AGHAKHANI**
16 **140 N. San Fernando Blvd**
17 **Burbank, CA 91502**

ACCUSATION

18 **Permit No. PHY 53938,**

19 **and**

20 **ARTIN AGHAKHANI**
21 **14050 Magnolia Blvd, #313**
22 **Sherman Oaks, CA 91423**

23 **License No. RPH 72110,**

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 June 1, 2016, the Board of Pharmacy issued Permit Number PHY 53938
to Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani (Burbank
Tower Pharmacy). Karina Nazarian is and has been the Chief Executive Officer, President,
Treasurer/Chief Financial Officer, 49% Shareholder since June 1, 2016. Artin Aghakhani is and

1 has been the Vice-President, Secretary, 51% Shareholder since June 1, 2016. Artin Aghakhani
2 was the Pharmacist-in-Charge¹ from June 1, 2016 to August 1, 2017 and December 5, 2018 to
3 May 12, 2020. Linda Nguyen, RPH 48563 is and has been the Pharmacist-in-Charge since May
4 12, 2021. The Permit was in full force and effect at all times relevant to the charges brought
5 herein and will expire on June 1, 2022, unless renewed.

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

9 **JURISDICTION**

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

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

16 6. Business and Professions Code section 4300 states:

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

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

21 (1) Suspending judgment.

22 (2) Placing him or her upon probation.

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

25 (4) Revoking his or her license.

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

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

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

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

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

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

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

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

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

STATUTORY PROVISIONS

9. Section 4063 of the Code states:

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

10. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

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

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

11. Section 4113 of the Code states, in pertinent part:

...

(d) Every pharmacy shall notify the board in writing, on a form designed by the board, within 30 days of the date when a pharmacist-in-charge ceases to act as the pharmacist-in-charge, and shall on the same form propose another pharmacist to take over as the pharmacist-in-charge. The proposed replacement pharmacist-in-charge shall be subject to approval by the board. If disapproved, the pharmacy shall propose another replacement within 15 days of the date of disapproval and shall continue to name proposed replacements until a pharmacist-in-charge is approved by the board.

...

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

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

...

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

...

13. Section 4307 of the Code states:

(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, 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.

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

14. Section 4332 of the Code states, "Any person who fails, neglects, or refuses maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the

records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.”

REGULATORY PROVISIONS

15. California Code of Regulations, title 16, section 1709, states, in pertinent part:

(a) Each permit to operate a pharmacy shall show the name and address of the pharmacy, the form of ownership (individual, partnership or corporation) and the pharmacist-in-charge. Each pharmacy shall, in its initial application on the annual renewal form, report the name of the pharmacist-in-charge, the names of all owners and the names of the corporate officers (if a corporation). Any changes in the pharmacist-in-charge, or the owners, or corporate officers shall be reported to the Board within 30 days.

...

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

...

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

...

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

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

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

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

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

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

1 **COST RECOVERY**

2 19. Section 125.3 of the Code provides, 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, with failure of the licensee to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Variation from Prescription)**

10 20. Respondent Burbank Tower Pharmacy is subject to disciplinary action under Code
11 section 4301, subdivision (o) in conjunction with California Code of Regulations (CCR), title 16,
12 section 1716 in that Respondent dispensed prescriptions which varied from the original
13 prescription as follows:

- 14 a. On June 29, 2018, prescription RX#1104495 was entered with the incorrect origin
15 code; and
16 b. The following twelve (12) prescriptions were entered with the incorrect day supply:
17 RX#104495, RX# 108090, RX#108386, RX#108812, RX#109154, RX#109327,
18 RX#109518, RX#110889, RX#110990, RX#1 11292, RX#1 11945, RX#1 12523.

19 **SECOND CAUSE FOR DISCIPLINE**

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

21 21. Respondent Burbank Tower Pharmacy is subject to disciplinary action under Code
22 section 4301, subdivision (o) in conjunction with Code section 4063 in that Respondent dispensed
23 a prescription without authorization from the prescriber as follows: On May 16, 2018,
24 RX#106889 was approved for one fill of #30 Januvia 50mg. However, this prescription was
25 refilled again on June 27, 2018 and July 23, 2018 without documented refill authorizations until
26 August 16, 2018.

THIRD CAUSE FOR DISCIPLINE

(Failure to Designate Pharmacist-in-Charge)

22. Respondents Burbank Tower Pharmacy and Aghakhani are subject to disciplinary action under Code section 4301, subdivision (o) in conjunction with Code section 4113, subdivision (d), and CCR, title 16, section 1709, subdivision (a) in that Respondents failed to designate a new pharmacist-in-charge within 30 days as required. Specifically, on October 1, 2020, Pharmacist-in-Charge Aghakhani disassociated as the pharmacist-in-charge until March 18, 2021 – when Aghakhani reported that he would serve as the Interim Pharmacist-in-Charge of Burbank Tower Pharmacy.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Maintain Accurate Disposition/Inventory Records)

23. Respondents Burbank Tower Pharmacy and Aghakhani are subject to disciplinary action under Code section 4301, subdivision (o) in conjunction with Code section 4081 and CCR, title 16, sections 1714 and 1718 in that Respondents did not maintain complete accountability for all dangerous drugs. Specifically, a 27-month audit from November 1, 2018 to February 15, 2021 of acquisition and disposition records revealed discrepancies in the pharmacy's inventory as follows:

Burbank Tower Pharmacy had an overage of the following drugs, valued at \$334,890.30 (which were processed as prescription claims, but never purchased):

Quantity	Drug
1,740	Brilinta 90mg tablets
68	Clonidine 0.3mg/day patches
16,450	Creon DR 36,000 capsules
1,350	Dexilant DR 30mg capsules
10,380	Dexilant DR 60mg capsules
1,832	Eliquis 5mg tablets
42	Lantus 100unit/ml vials
1,350	Linzess 72mcg capsules
90	Onglyza 5mg tablets
50	Symbicort 80-4.5mg inhalers
360	Synjardy XR 12.5-1,000mg tablets
180	Xifaxan 550mg tablets

1 **DISCIPLINE CONSIDERATIONS**

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

7 **OTHER MATTERS**

8 25. Pursuant to Business and Professions Code section 4307, if discipline is imposed on
9 Pharmacy License Number RPH 72110 issued to Artin Aghakhani or Pharmacy Permit Number
10 PHY 53938, issued to Natalie Gold Inc. dba Burbank Tower Pharmacy, Karina Nazarian, Artin
11 Aghakhani (Burbank Tower Pharmacy), for conduct that occurred while Respondent Aghakhani
12 was the manager, and Respondent Aghakhani had knowledge of or knowingly participated in the
13 conduct for which Respondent Burbank Tower Pharmacy was disciplined, then Respondent
14 Aghakhani shall be prohibited from serving as a manager, administrator, owner, member, officer,
15 director, associate, or partner of a licensee for five years if Pharmacy License Number RPH
16 72110 or Pharmacy Permit Number PHY 53938 is placed on probation or until Pharmacy License
17 Number RPH 72110 or Pharmacy Permit Number PHY 53938 is reinstated if it is revoked.

18 **PRAYER**

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

- 21 1. Revoking or suspending Permit Number PHY 53938, issued to Natalie Gold Inc. dba
22 Burbank Tower Pharmacy, Karina Nazarian, Artin Aghakhani;
23 2. Revoking or suspending License Number RPH 72110, issued to Artin Aghakhani;
24 3. Prohibiting Respondent Aghakhani from serving as a manager, administrator, owner,
25 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
26 Number PHY 53938 or Pharmacy License Number RPH 72110 is placed on probation or until
27
28

Pharmacy Permit Number PHY 53938 or Pharmacy License Number RPH 72110 is reinstated if it is revoked.

4. Ordering Burbank Tower Pharmacy and Artin Aghakhani to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: 7/21/2021

Signature on File

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

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