

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

In the Matter of the Accusation Against:

Case No. 7173

**EGYPTIAN INC., DBA TRUCCARE
PHARMACY
MINA A. KOLTA and GENEVIEVE
BENJAMIN OWNERS
1875 California Avenue
Corona, CA 92881**

**DEFAULT DECISION AND ORDER AS
TO MINA A. KOLTA, AKA MATT
KOLTA**

[Gov. Code, §11520]

Pharmacy Permit Number No. PHY 51885,

and

**MINA A. KOLTA, AKA MATT KOLTA,
10153 1/2 Riverside Drive, #502
Toluca Lake, CA 91602**

Pharmacist License No. RPH 62002

Respondents.

FINDINGS OF FACT

1. On or about October 20, 2021, Complainant Anne Sodergren, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 7173 against Mina A. Kolta, also known as Matt Kolta (Respondent). (A copy of the Accusation is attached as Exhibit A.)

///

1 2. On or about December 2, 2008, the Board of Pharmacy (Board) issued Pharmacist
2 License Number RPH 62002 to Respondent. The Pharmacist License Number was in full force
3 and effect at all times relevant to the charges brought in Accusation No. 7173 and will expire on
4 July 31, 2022, unless renewed.

5 3. On or about October 21, 2021, Respondent was served by Certified and First Class
6 Mail copies of the Accusation No. 7173, Statement to Respondent, Notice of Defense, Request
7 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
8 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
9 section 4100, is required to be reported and maintained with the Board. Respondent's address of
10 record was and is: 10153 ½ Riverside Drive, #502, Toluca Lake, CA 91602.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business and Professions Code section
13 124.

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

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

20 6. The Board takes official notice of its records and the fact that Respondent failed to
21 file a Notice of Defense within 15 days after service upon them of the Accusation, and therefore
22 waived their right to a hearing on the merits of Accusation No. 7173.

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

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

28 8. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained

1 therein on file at the Board's offices regarding the allegations contained in Accusation No. 7173,
2 finds that the charges and allegations in Accusation No. 7173, are separately and severally, found
3 to be true and correct by clear and convincing evidence.

4 9. The Board finds that the actual costs for Investigation and Enforcement are \$4,057.50
5 as of November 24, 2021. Respondent is jointly and severally liable with Respondent Egyptian
6 Inc., dba Truecare Pharmacy for those costs.

7 **DETERMINATION OF ISSUES**

8 1. Based on the foregoing findings of fact, Respondent Mina A. Kolta, also known as
9 Matt Kolta has subjected his Registered Pharmacist License Number RPH 62002 to discipline.

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

11 3. The Board of Pharmacy is authorized to revoke Respondent's Registered Pharmacist
12 License Number based upon the following violations alleged in the Accusation which are
13 supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this
14 case:

15 a. Respondent is subject to disciplinary action under Code section 4301, subdivision (l),
16 in that Respondent was convicted of a felony on August 26, 2020 in the United States District
17 Court for the Central District of California, Case No. SACR17-00158-JVS, as set forth in
18 Accusation No. 7173.

19 b. Respondent is subject to disciplinary action under Code section 4301, subdivision, in
20 that Respondent committed dishonest acts, as set forth in Accusation No. 7173.

21 c. Respondent is subject to disciplinary action under Code section 4301 for
22 unprofessional conduct because he engaged in the activities set forth in Accusation No. 7173.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS SO ORDERED that Registered Pharmacist License Number RPH 62002, issued to Respondent Mina A. Kolta, also known as Matt Kolta, is revoked. Pursuant to Business and Professions Code section 4307, Mina A. Kolta, also known as Matt Kolta shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee until and if Registered Pharmacist License Number RPH 62002 is reinstated.

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

This Decision shall become effective at 5:00 p.m. on February 2, 2022.

It is so ORDERED on January 3, 2022.



Seung Oh
Board President
FOR THE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS

83147389.DOCX
DOJ Matter ID:SD2021801524

Attachment:
Exhibit A: Accusation No. 7173

Exhibit A

Accusation No. 7173

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

13 In the Matter of the Accusation Against:

Case No. 7173

14 **EGYPTIAN INC., DBA**
15 **TRUCARE PHARMACY**
16 **MINA A. KOLTA and GENEVIEVE**
17 **BENJAMIN OWNERS**
18 **1875 California Avenue**
19 **Corona, CA 92881**

ACCUSATION

20 **Pharmacy Permit Number No. PHY 51885,**

21 **and**

22 **MINA A. KOLTA, AKA MATT KOLTA**
23 **10153 1/2 Riverside Drive, #502**
24 **Toluca Lake, CA 91602**

25 **Registered Pharmacist License No. RPH**
26 **62002**

27 Respondents.

28 **PARTIES**

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

unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

....

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a 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 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

10. Code section 4302 states:

The board may deny, suspend, or revoke any license where conditions exist in relation to any person holding 10 percent or more of the ownership interest or where conditions exist in relation to any officer, director, or other person with management or control of the license that would constitute grounds for disciplinary action against a licensee.

11. Code section 4307, subdivision (a) states:

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, or partner of any partnership, corporation, 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 manger, administrator, owner, member, officer, director, associate, or partner had knowledge 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 manger, 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

1 the license is issued or reinstated.

2 **COST RECOVERY**

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

7 **FACTUAL ALLEGATIONS**

8 13. At all relevant times herein, Truecare Pharmacy was a specialty pharmacy located in
9 Corona, California. Mina Kolta held a fifty percent ownership interest in and was the chief
10 executive officer and pharmacist-in-charge of Truecare Pharmacy.

11 14. On August 26, 2020, Mina Kolta was convicted of knowingly and willfully making a
12 materially false statement and representation which is a felony under 18 United States Code
13 section 1001, subdivision (a)(2) in *United States of America vs. Mina Kolta, aka Matt Kolta*,
14 United States District Court for the Central District of California, Case No. SACR17-00158-JVS.
15 Mina Kolta was placed on probation for a term of three years, ordered to pay a special assessment
16 and restitution in the amount of \$3,101,326.00 and committed to the custody of the Bureau of
17 Prisons, followed by participation in a home detention program for 21 months. The Court further
18 ordered that Mina Kolta shall not be employed by, affiliated with, own, control, volunteer for, or
19 other participate directly or indirectly in any business involving federally funded or state funded
20 health insurance or entitlement programs during the probation period without the express written
21 approval of his probation officer prior to engaging in such employment or business. The Court
22 also ordered Mina Kolta to report this conviction to the Board and thereafter to comply with any
23 orders, including any employment or business restrictions.

24 15. The facts that led to the conviction are as follows. On or about January 22, 2016,
25 Mina Kolta knowingly and willfully made a materially false, fictitious, and fraudulent statement
26 and representation to agents of the Federal Bureau of Investigation and the Defense Criminal
27 Investigative Service. During an investigation into Truecare Pharmacy's and Mina Kolta's
28 involvement in a criminal scheme to fraudulently bill government agencies for compounded

1 drugs, Mina Kolta told the agents that he had never heard of a certain individual and a pharmacy.
2 In truth and in fact, Mina Kolta had negotiated a contract with that individual and the pharmacy
3 for the payment of fees in exchange for the referral of prescriptions to be filled by Truecare
4 Pharmacy.

5 16. During the investigation, Mina Kolta admitted that he, on behalf of Truecare
6 Pharmacy, paid referral fees for workers' compensation medication prescriptions even though he
7 knew it was illegal to pay referral fees for government reimbursable prescriptions. Mina Kolta
8 also admitted that he filled prescriptions which appeared to be suspicious or that he believed were
9 fraudulent.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Criminal Conviction)**

12 17. Respondents are subject to disciplinary action under Code sections 4301, subdivision
13 (l) and 4302, in that Mina Kolta, a fifty percent shareholder, officer and pharmacist-in-charge of
14 Truecare Pharmacy, was convicted of a felony on August 26, 2020, as set forth above in
15 paragraphs 13 through 16.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Dishonest Acts)**

18 18. Respondents are subject to disciplinary action under Code sections 4301, subdivision
19 (f) and 4302, in that Mina Kolta, a fifty percent shareholder, officer, and pharmacist in charge of
20 Truecare Pharmacy committed dishonest acts, as set forth above in paragraphs 13 through 16.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct)**

23 19. Respondents are subject to disciplinary action under Code sections 4301 and 4302 for
24 unprofessional conduct in that they engaged in the activities set forth in paragraphs 13 through 16
25 above.

26 **DISCIPLINE CONSIDERATIONS**

27 20. To determine the degree of discipline, if any, to be imposed on Respondent Truecare
28 Pharmacy, Complainant alleges that on or about January 3, 2020, the Board issued Citation

1 Number CI 2019 86542 for violating Business and Professions Code section 4116, subdivision (a)
2 and California Code of Regulations, title 16, sections 1714, subdivisions (b), (d) and (e), 1751.7,
3 subdivision (e)(1), 1751.8, subdivision (c) and 1735.2, subdivision (i)(3), sterile compounding
4 and drug security violations. That Citation is now final.

5 21. To determine the degree of discipline, if any, to be imposed on Respondent Mina
6 Kolta, Complainant alleges that on or about March 25, 2021, the Board issued Modified Citation
7 Number CI 2020 88875 for violating Business and Professions Code sections 810, subdivision
8 (b), 4333, subdivision (a), 4081 and 4301, subdivision (f) and Penal Code section 550,
9 subdivision (a)(6)(7), insurance fraud, dishonest acts and failure to maintain pharmacy records.
10 That Citation is now final.

11 **OTHER MATTERS**

12 22. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
13 PHY 51885 issued to Egyptian Inc., doing business as Truecare Pharmacy, it shall be prohibited
14 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
15 of a licensee for five years if the Pharmacy Permit is placed on probation or until the Pharmacy
16 Permit is reinstated if it is revoked.

17 23. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
18 PHY 51885 issued to Egyptian Inc., doing business as Truecare Pharmacy while Mina A. Kolta,
19 aka Matt Kolta has been a manager or owner and had knowledge of or knowingly participated in
20 any conduct for which the licensees were disciplined, he shall be prohibited from serving as a
21 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
22 five years if the Pharmacy Permit is placed on probation or until the Pharmacy Permit is
23 reinstated, if it is revoked.

24 24. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
25 RPH 62002 issued to Mina A. Kolta, aka Matt Kolta, he 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 the Pharmacist License is placed on probation or until the Pharmacist License is
28 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 Pharmacy Permit Number Number PHY 51885, issued to Egyptian Inc., doing business as Truecare Pharmacy;
2. Revoking or suspending Registered Pharmacist License Number RPH 62002, issued to Mina A. Kolta, aka Matt Kolta;
3. Prohibiting Egyptian Inc., doing business as Truecare Pharmacy from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51885 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;
4. Prohibiting Mina A. Kolta, aka Matt Kolta from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 51885 is placed on probation or until the Pharmacy Permit is reinstated, if it is revoked;
5. Prohibiting Mina A. Kolta, aka Matt Kolta from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 62002 is placed on probation or until the Pharmacist License is reinstated, if it is revoked;
6. Ordering Egyptian Inc., doing business as Truecare Pharmacy and Mina A. Kolta, aka Matt Kolta 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,
7. Taking such other and further action as deemed necessary and proper.

DATED: 10/20/2021 _____

Signature on File

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