

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

In the Matter of the Accusation Against:

**LONGS DRUG STORES CALIFORNIA, LLC DBA
CVS PHARMACY #09509, Respondent**

Pharmacy License No. PHY 49596

Agency Case No. 7585

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeal 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 June 4, 2025.

It is so ORDERED on May 5, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 LESLIE E. BRAST
Deputy Attorney General
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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:

13 **LONGS DRUG STORES CALIFORNIA, LLC**
14 **DBA CVS PHARMACY #09509**
15 **4424 Treat Blvd**
16 **Concord, CA 94521**

17 **Pharmacy License No. PHY 49596**

18 Respondent.

19 Case No. 7585

20 **STIPULATED SETTLEMENT AND**
21 **DISCIPLINARY ORDER FOR**
22 **PUBLIC REPROVAL**

23 **[Bus. & Prof. Code § 495]**

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

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board), Department of Consumer Affairs. 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
Leslie E. Brast, Deputy Attorney General.

2. Respondent Longs Drug Stores California, LLC, dba CVS Pharmacy #09509
(Respondent) is represented in this proceeding by attorney Jeff J. Astarabadi of Much Shelist,
P.C., whose address is 660 Newport Center Drive, Suite 900, Newport Beach, California 92660.

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1 **JURISDICTION**

2 3. On or about November 10, 2008, the Board issued Pharmacy License No. PHY 49596
3 to Respondent. The Pharmacy License was in full force and effect at all times relevant to the
4 charges brought in Accusation No. 7585, and will expire on November 1, 2025, unless renewed.

5 4. Accusation No. 7585 was filed before the Board and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on February 22, 2024. Respondent timely filed its Notice of Defense contesting
8 the Accusation. A copy of Accusation No. 7585 is attached as Exhibit A and incorporated herein
9 by reference.

10 **ADVISEMENT AND WAIVERS**

11 5. Respondent has carefully read, fully discussed with counsel, and understands the
12 charges and allegations in Accusation No. 7585. Respondent has also carefully read, fully
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
14 Order for Public Repeval.

15 6. Respondent is fully aware of its legal rights in this matter, including the right to a
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
17 its own expense; the right to confront and cross-examine the witnesses against them; the right to
18 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
19 the attendance of witnesses and the production of documents; the right to reconsideration and
20 court review of an adverse decision; and all other rights accorded by the California
21 Administrative Procedure Act and other applicable laws.

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

24 **CULPABILITY**

25 1. Respondent understands and agrees that the charges and allegations in Accusation
26 No. 7585, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy
27 License.

28 ///

1 **ACCEPTANCE**

2 I am authorized to sign for and bind Respondent, have carefully read the above Stipulated
3 Settlement and Disciplinary Order for Public Repeoval, and have fully discussed it with my
4 attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my
5 Pharmacy License. I enter into this Stipulated Settlement and Disciplinary Order for Public
6 Repeoval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
7 Order of the Board of Pharmacy.

8
9 DATED: _____
10 Leigh Parenteau, Sr. Manager,
11 Pharmacy Regulatory Affairs
12 LONGS DRUG STORES CALIFORNIA, LLC
13 DBA CVS PHARMACY #09509;
14 *Respondent*

15 I have read and fully discussed with my client, Respondent Longs Drug Stores California,
16 LLC, dba CVS Pharmacy #09509, the terms and conditions and other matters contained in the
17 above Stipulated Settlement and Disciplinary Order for Public Repeoval. I approve its form and
18 content.

19 DATED: _____
20 JEFF J. ASTARABADI
21 *Attorney for Respondent*

22 **ENDORSEMENT**

23 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeoval is hereby
24 respectfully submitted for consideration by the Board of Pharmacy.

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26 ///
27 ///
28 ///

1 **ACCEPTANCE**

2 I am authorized to sign for and bind Respondent, have carefully read the above Stipulated
3 Settlement and Disciplinary Order for Public Repeval, and have fully discussed it with my
4 attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my
5 Pharmacy License. I enter into this Stipulated Settlement and Disciplinary Order for Public
6 Repeval voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and
7 Order of the Board of Pharmacy.

8
9 DATED: 12/13/2024



Leigh Parenteau, Sr. Manager,
Pharmacy Regulatory Affairs
LONGS DRUG STORES CALIFORNIA, LLC
DBA CVS PHARMACY #09509;
Respondent

10
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13
14 I have read and fully discussed with my client, Respondent Longs Drug Stores California,
15 LLC, dba CVS Pharmacy #09509, the terms and conditions and other matters contained in the
16 above Stipulated Settlement and Disciplinary Order for Public Repeval. I approve its form and
17 content.

18
19 DATED: 12/19/2024



JEFF J. ASTARABADI
Attorney for Respondent

20
21 **ENDORSEMENT**

22
23 The foregoing Stipulated Settlement and Disciplinary Order for Public Repeval is hereby
24 respectfully submitted for consideration by the Board of Pharmacy.

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DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General

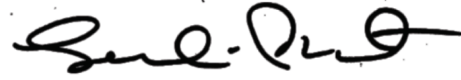
LESLIE E. BRAST
Deputy Attorney General
Attorneys for Complainant

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DATED: 12/23/2024

Respectfully submitted,
ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



LESLIE E. BRAST
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7585

1 ROB BONTA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 CHRISTOPHER M. YOUNG
Deputy Attorney General
4 State Bar No. 238532
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
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6 Facsimile: (415) 703-5480
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. 7585

13 **LONGS DRUG STORES CALIFORNIA,**
14 **LLC, DBA CVS PHARMACY #09509**
15 **4424 Treat Blvd**
16 **Concord, CA 94521**

ACCUSATION

17 **Pharmacy License No. PHY 49596**

18 Respondent.

19
20 **PARTIES**

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

23 2. On or about November 10, 2008, the Board of Pharmacy issued Pharmacy License
24 Number PHY 49596 to Longs Drug Stores California, LLC, dba CVS Pharmacy #09509
25 (Respondent). The Pharmacy License was in full force and effect at all times relevant to the
26 charges brought herein and will expire on November 1, 2024, unless renewed.

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JURISDICTION

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

4. Code section 4011 provides that the Board shall administer and enforce the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.]. Further pursuant to Code section 4011, the Board also administers and enforces the Uniform Controlled Substances Act.

5. Code section 4300, subdivision (a), provides that every license issued by the Board may be suspended or revoked.

6. Code section 4300.1 provides that the expiration, cancellation, forfeiture, suspension, or voluntary surrender of a license “shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.”

7. Code section 4307 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

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

8 **STATUTORY PROVISIONS**

9 8. Code section 4301 states, in pertinent part:

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

13 ...

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

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

21 **REGULATORY PROVISIONS**

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

23 ...

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

28 (c) The pharmacy and fixtures and equipment shall be maintained in a clean and
orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and
insects, and properly lighted. The pharmacy shall be equipped with a sink with hot
and cold running water for pharmaceutical purposes. . . .

COST RECOVERY

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

1 **FACTUAL ALLEGATIONS**

2 11. Following a consumer complaint of excessive heat in Respondent Pharmacy, a Board
3 inspector conducted a site inspection of Respondent Pharmacy on or about January 24, 2023. The
4 inspector obtained Respondent’s temperature logs, which indicated that the pharmacy temperature
5 in June 2022 exceeded the recommended storage temperature for several drugs. Specifically, the
6 manufacturer recommended storage range for several drugs stored in Respondent Pharmacy was
7 68-77 degrees Fahrenheit. The June 2022 temperature logs indicated that on several days, the
8 ambient temperature was well above 77 degrees Fahrenheit, including 87 degrees Fahrenheit on
9 June 23, 2022, and 88 degrees Fahrenheit on June 21 and July 11, 2022.

10 12. The inspector also reviewed temperature logs for refrigerated drugs, with
11 manufacturer recommended storage temperatures in the range of 35.6 to 46.4 degrees Fahrenheit.
12 Between June and August 2022, refrigerated temperatures reached 53 to 61 degrees Fahrenheit on
13 at least three occasions. Drugs required to be stored at freezer temperature, with manufacturer
14 recommended storage temperatures less than or equal to 5 degrees Fahrenheit, were stored at a
15 temperature of 27 degrees Fahrenheit on at least one occasion.

16 13. During the inspection, the inspector issued a correction notice for water-stained
17 ceiling tiles and wall from a leaking roof over the will-call/finished prescriptions area of
18 Respondent Pharmacy, as well as visible dust on Respondent Pharmacy shelves.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Failure to Maintain Appropriate Temperature in Pharmacy)**

21 14. Respondent is subject to disciplinary action under Code section 4301, subdivisions (j)
22 and/or (o), and California Code of Regulation section 1714, subdivision (b), which requires that
23 each pharmacy licensed by the Board maintain its facility such that drugs are safely and properly
24 maintained, secured, and distributed. Respondents did not adequately maintain the facility, as
25 stated above, resulting in the storage of drugs at temperatures exceeding the recommended
26 manufacturer storage temperature.

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

DATED: 2/20/2024

Sodergren,
Anne@DCA
ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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Anne@DCA
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