

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

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

**GARFIELD BEACH CVS, LLC, DBA CVS PHARMACY #9605  
Pharmacy Permit No. PHY 47775,**

**Respondent.**

**Agency Case No. 7596**

**OAH NO. 2024030503**

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand 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 October 3, 2024.

It is so ORDERED on September 3, 2024.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh".

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 STEPHANIE J. LEE  
Deputy Attorney General  
4 State Bar No. 279733  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6185  
6 Facsimile: (916) 731-2126  
*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:

13 **GARFIELD BEACH CVS, LLC, DBA CVS**  
14 **PHARMACY #9605**  
10181 Reseda Boulevard  
Northridge, CA 91324  
15 **Pharmacy Permit No. PHY 47775**

16 Respondent.

Case No. 7596

OAH No. 2024030503  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER FOR PUBLIC  
REPROVAL**

**[Bus. & Prof. Code § 495]**

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

20 **PARTIES**

21 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy  
22 (Board). She brought this action solely in her official capacity and is represented in this matter by  
23 Rob Bonta, Attorney General of the State of California, by Stephanie J. Lee, Deputy Attorney  
24 General.

25 2. Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 (Respondent) is  
26 represented in this proceeding by attorneys Harold B. Hilborn, whose address is: 191 North  
27 Wacker Drive, Suite 1800, Chicago, IL 60606; and Jeff J. Astarabadi, whose address is: 660  
28 Newport Center Drive, Suite 900, Newport Beach, CA 92660.

1 **JURISDICTION**

2 3. On or about September 15, 2006, the Board issued Pharmacy Permit No. PHY 47775  
3 to Respondent. The Pharmacy Permit was in full force and effect at all times relevant to the  
4 charges brought in Accusation No. 7596 and will expire on June 1, 2025, unless renewed.

5 4. Accusation No. 7596 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 December 21, 2023. Respondent timely filed its Notice of Defense contesting  
8 the Accusation. A copy of Accusation No. 7596 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. 7596. Respondent has also carefully read, fully  
13 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
14 Order for Public Reapproval.

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 8. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 7596.

27 9. Respondent agrees that its Pharmacy Permit is subject to discipline and they agree to  
28 be bound by the Disciplinary Order below.

**CONTINGENCY**

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or its counsel. By signing the stipulation, Respondent understands and agrees that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

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

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

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

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**DISCIPLINARY ORDER**

IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 47775 issued to Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 shall be publicly reprovved by the Board of Pharmacy under Business and Professions Code section 495 in resolution of Accusation No. 7596, attached as Exhibit A.

**Administrative Fine.** Respondent shall pay an administrative fine to the Board in the amount of \$15,000. Respondent shall have 120 days from the effective date of this Decision and Order to pay the administrative fine.

**Cost Recovery.** No later than sixty (60) DAYS from the effective date of the Decision, Respondent shall pay \$2,500 to the Board for its costs associated with the investigation and enforcement of this matter pursuant to Business and Professions Code Section 125.3. If Respondent fails to pay the Board costs as ordered, Respondent shall not be allowed to renew their Pharmacy Permit until Respondent pays costs in full. In addition, the Board may enforce this order for payment of its costs in any appropriate court, in addition to any other rights the Board may have.

**Full Compliance.** As a resolution of the charges in Accusation No. 7596, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 47775.

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**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Reproval and have fully discussed it with my attorneys, Harold B. Hilborn . I understand the stipulation and the effect it will have on my Pharmacy Permit. 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: \_\_\_\_\_

\_\_\_\_\_  
GARFIELD BEACH CVS, LLC, DBA CVS  
PHARMACY #9605  
*Respondent*

I have read and fully discussed with Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 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: \_\_\_\_\_

\_\_\_\_\_  
JEFF J. ASTARABADI  
HAROLD B. HILBORN  
*Attorneys for Respondent*

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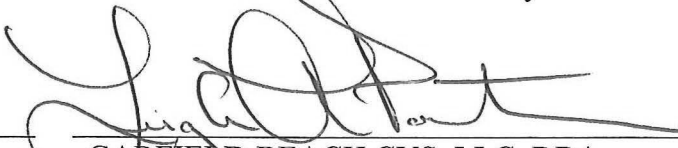
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order for Public Repeval and have fully discussed it with my attorney Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my Pharmacy Permit. 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: 7/31/24

  
GARFIELD BEACH CVS, LLC, DBA  
CVS PHARMACY #9605  
*Respondent*

Leigh A. Parenteau  
Sr. Mgr, Pharmacy  
Reg Affairs

I have read and fully discussed with Respondent Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 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: 7/31/24

  
JEFF J. ASTARABADI  
*Attorney for Respondent*

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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  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

STEPHANIE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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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: 8/1/2024

Respectfully submitted,

ROB BONTA  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



STEPHANIE J. LEE  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7596**

1 ROB BONTA  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 STEPHANIE J. LEE  
Deputy Attorney General  
4 State Bar No. 279733  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6185  
6 Facsimile: (916) 731-2126  
E-mail: Stephanie.Lee@doj.ca.gov  
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:

Case No. 7596

13 **GARFIELD BEACH CVS, LLC,**  
**DBA CVS PHARMACY #9605**  
14 10181 Reseda Boulevard  
Northridge, CA 91324

**ACCUSATION**

15 **Pharmacy Permit No. PHY 47775**

16 Respondent.  
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19 **PARTIES**

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

22 2. On or about September 15, 2006, the Board issued Pharmacy Permit Number PHY  
23 47775 to Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 (Respondent). The Pharmacy  
24 Permit was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on June 1, 2024, unless renewed.

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## **JURISDICTION**

3. 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.

4. Section 4300 of the Code provides, in pertinent part, that every license issued by the Board is subject to discipline including suspension or revocation.

5. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee 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.

## **STATUTORY PROVISIONS**

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

(a) Every pharmacy shall designate a pharmacist-in-charge and, within 30 days thereof, shall notify the board in writing of the identity and license number of that pharmacist and the date he or she was designated.

...

(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.

...

7. 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.

8. Section 4307 of the Code states, in pertinent part:

(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.

...

## COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## FACTUAL ALLEGATIONS

10. On or about October 10, 2022, the Board received an *Application for Change of Pharmacist-in-Charge* (Application) from Respondent, signed under penalty of perjury. The Application stated that the prior pharmacist-in-charge (PIC), Kim Ahrem, Pharmacist License No. RPH 64567, disassociated on October 21, 2016, and that Isabella Pogosian, Pharmacist License No. RPH 62013, was designated as the new PIC on October 23, 2016.

11. On or about October 19, 2023, the Board mailed an inquiry to Kim Ahrem's address of record and requested she provide the Board with the date she dissociated as pharmacist-in-charge.

12. On or about October 25, 2023, Kim Ahrem emailed the Board stating that she disassociated as a pharmacist-in-charge from CVS Pharmacy #9605 as of November 4, 2016.

**FIRST CAUSE FOR DISCIPLINE**

**(Failure to Timely Notify Board of Designated Pharmacist-in-Charge)**

13. Respondent is subject to disciplinary action under Code sections 4113(a) and 4301(o), on the grounds of unprofessional conduct, in that Respondent failed to notify the Board in writing within 30 days that a pharmacist-in-charge had been designated. Respondent designated Isabella Pogolian, Pharmacist License No. RPH 73538, as the pharmacist-in-charge of CVS Pharmacy #9605 on October 23, 2016. Respondent waited almost 6 years until October 10, 2022, to notify the Board of the pharmacist-in-charge designation.

**SECOND CAUSE FOR DISCIPLINE**

**(Failure to Timely Notify Board of Ceased Pharmacist-in-Charge)**

14. Respondent is subject to disciplinary action under Code sections 4113(d) and 4301(o), on the grounds of unprofessional conduct, in that Respondent failed to notify the Board in writing within 30 days that its pharmacist-in-charge had ceased to act as the pharmacist-in-charge. Kim Ahrem, Pharmacist License No. RPH 64567, dissociated as the pharmacist-in-charge of CVS Pharmacy #9605 on October 21, 2016. Respondent waited almost 6 years until October 10, 2022, to notify the Board that the pharmacist-in-charge had disassociated.

**OTHER MATTERS**

15. Pursuant to Code section 4307(a), if discipline is imposed on Pharmacy Permit Number 47775, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #9605, then Pharmacy Permit Number PHY 47775, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 47775, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 is placed on probation or until Pharmacy Permit Number 47775, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 is reinstated, if it is revoked.

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**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 PHY 47775, issued to Garfield Beach CVS, LLC, dba CVS Pharmacy #9605;
2. Prohibiting Respondent from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if an applicable license is placed on probation or until any license revoked or denied is issued or reinstated;
3. Ordering Garfield Beach CVS, LLC, dba CVS Pharmacy #9605 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
4. Taking such other and further action as deemed necessary and proper.

DATED: 12/12/2023

Sodergren,  
Anne@DCA

Digitally signed by  
Sodergren, Anne@DCA  
Date: 2023.12.12 15:14:52  
-08'00'

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

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