California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Phone: (916) 518-3100 Fax: (916) 574-8614
www.pharmacy.ca.gov

Business, Consumer Services and Housing Agency
Department of Consumer Affairs
Gavin Newsom, Governor

APPLICATION FOR VOLUNTARY SURRENDER OF PREMISES LICENSE

PLEASE PRINT IN BLACK OR BLUE INK OR TYPE YOUR RESPONSES:

Name: FarmaKeio	Case No. 7870
Address of Record: 1736 N Greenville Ave Richardson, TX 75081	

Pursuant to the terms and conditions of probation against my premises license with the California State Board of Pharmacy (Board) in Case No. 7870, I hereby request to surrender my premises license, License No. NRP 2285. The Board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, the premises will no longer be subject to the terms and conditions of probation. I understand that this surrender constitutes a record of discipline and shall become a part of the premises license history with the Board.

Upon the acceptance of the surrender, I shall relinquish my premises license to the Board within ten (10) days of notification by the Board that the surrender is accepted. I understand that I shall, among other things, submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer. I may not reapply for any new licensure from the board for three (3) years from the effective date of the surrender. I further understand that I shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

PLEASE BE ADVISED THAT YOU ARE NOT RELIEVED OF THE REQUIREMENTS OF YOUR PROBATION UNLESS THE BOARD NOTIFIES YOU THAT YOUR REQUEST TO SURRENDER YOUR LICENSE HAS BEEN ACCEPTED.

RPh.

Applicant's Signature

10-16-25

Date

JUSTIN GRAVES

Applicant's Printed Name

NRP 2285

Applicant's License Number

Sodergren, Anne@DCA

Digitally signed by Sodergren, Anne@DCA
Date: 2025.12.29 14:02:35 -08'00'

Executive Officer's Approval

Date

All items on this application are mandatory in accordance with your probationary order and the Board's Disciplinary Guidelines as authorized by Title 16, California Code of Regulations section 1760. Failure to provide any of the requested information or providing unreadable information will result in the application being rejected as incomplete. The information provided on this form will be used to determine eligibility for surrender. The official responsible for information maintenance is the Executive Officer, telephone (916) 518-3100, 2720 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. The information you provide may also be disclosed in the following circumstances: (1) in response to a Public Records Act request; (2) to another government agency as required by state or federal law; or, (3) in response to a court or administrative order, a subpoena, or a search warrant. Each individual has the right to review the files or records maintained on them by our agency, unless the records are identified as confidential information and exempted by Section 1798.40 of the Civil Code.

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

In the Matter of the Accusation Against:

NORTH AMERICAN CUSTOM LABORATORIES

dba FARMAKEIO

DANIEL DENEUI, CEO.; JUSTIN GRAVES, VICE PRES.;

MICHAEL COLE, TREAS.; CODY BOATMAN, MEMBER;

ROBERT HARRIS, MEMBER,

Respondent.

Nonresident Pharmacy Permit No. NRP 2285

Agency Case No. 7870

OAH No. 2025010910

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 October 15, 2025.

It is so ORDERED on September 15, 2025.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By 

Seung W. Oh, Pharm.D.
Board President

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General
PATRICIA WEBBER HEIM
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Facsimile: (916) 327-8643
E-mail: Patricia.Heim@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against: **NORTH AMERICAN CUSTOM LABORATORIES DBA FARMAKEIO** **DANIEL DENEUI, CEO** **JUSTIN GRAVES, VICE PRES.** **MICHAEL COLE, TREAS.** **CODY BOATMAN, MEMBER** **ROBERT HARRIS, MEMBER** **1736 N. Greenville Ave.** **Richardson, TX 75081** **Nonresident Pharmacy Permit No. NRP 2285** Respondent.	Case No. 7870 OAH No. 2025010910 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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 Patricia Webber Heim, Deputy Attorney General.

///

2. North American Custom Laboratories doing business as (dba) Farmakeio, (Respondent Farmakeio) is represented in this proceeding by attorney Tyler G. Doyle, whose address is: 811 Main Street, Suite 1100 Houston, TX 77002.

3. On or about March 13, 2020, the Board issued Nonresident Pharmacy Permit No. NRP 2285 to Respondent Farmakeio. The Nonresident Pharmacy Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 7870, and will expire on March 1, 2026, unless renewed.

JURISDICTION

4. Accusation No. 7870 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 October 29, 2024. Respondent timely filed its Notice of Defense contesting the Accusation.

5. A copy of Accusation No. 7870 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 7870. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

///

CULPABILITY

9. Respondent admits the truth of the charges and allegations set forth in paragraphs 21 through 50, and 53 through 54, in Accusation No. 7870. To the extent that any factual allegations in paragraphs 21 through 50, or any portions thereof, relate solely to Causes of Discipline 1 and 2, they are excluded, to the extent that they exist.

10. Respondent agrees that its Nonresident Pharmacy Permit is subject to discipline and agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. 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 it 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 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.

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

13. This Stipulated Settlement and Disciplinary Order 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 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. 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:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Nonresident Pharmacy Permit No. NRP 2285 issued to Respondent North American Custom Laboratories dba Farmakeio is revoked. However, the revocation is stayed, and Respondent is placed on probation for three (3) years on the following terms and conditions:

1. Definition: Respondent

For the purposes of these terms and conditions, "respondent" shall refer to North American Custom Laboratories dba Farmakeio. All terms and conditions stated herein shall bind and be applicable to the licensed premises and to all owners, managers, officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes of compliance with any term or condition, any report, submission, filing, payment, or appearance required to be made by respondent to or before the Board shall be made by an owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

2. Obey All Laws

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint, information, or indictment;
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment;
- a conviction of any crime; or
- discipline, citation, or other administrative action filed by any state or federal agency.

Failure to timely report any such occurrence shall be considered a violation of probation.

3. Report to the Board

Respondent shall report to the Board quarterly, on a schedule as directed by the Board. The

report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the Board.

4. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear for interviews with the Board, at such intervals and locations as are determined by the Board. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two (2) or more scheduled interviews with the Board during the period of probation, shall be considered a violation of probation.

5. Cooperate with Board Staff

Respondent shall timely cooperate with the Board's quarterly inspection program and with the Board's monitoring and investigation of respondent's compliance with the terms and conditions of the probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. A Board investigator shall conduct the inspection. Failure to timely cooperate shall be considered a violation of probation.

Within 72 hours respondent must submit all inspection reports from federal, state, or other professional or regulatory agencies.

6. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, respondent shall pay to the Board its costs of investigation and prosecution in the amount of $40,272.25.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board, so long as full payment is completed no later than one (1) year prior to the end date of probation.

There shall be no deviation from this schedule absent prior written approval by the Board. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

7. Probation Monitoring Costs

Respondent shall pay any costs associated with probation monitoring as determined by the Board each and every year of probation. Such costs shall be payable to the Board on a schedule as directed by the Board. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

Probation monitoring costs include travel expenses for an inspector to personally inspect the out-of-state premises on a schedule as determined by the Board.

8. Status of License

Respondent shall, at all times while on probation, maintain a current Nonresident Pharmacy Permit with the Board. Failure to maintain current licensure shall be considered a violation of probation.

If respondent's license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

9. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent wish to discontinue business, respondent may tender the premises license to the Board for surrender. The Board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Respondent may not apply for any new license from the Board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board.

Respondent further stipulates that it shall reimburse the Board for its costs of investigation and prosecution prior to the acceptance of the surrender.

10. Sale or Discontinuance of Business

During the period of probation, should respondent sell, trade or transfer all or part of the ownership of the licensed entity, discontinue doing business under the license issued to respondent, or should practice at that location be assumed by another full or partial owner, person, firm, business, or entity, under the same or a different premises license number, the Board shall have the sole discretion to determine whether to exercise continuing jurisdiction over the licensed location, under the current or new premises license number, and/or carry the remaining period of probation forward to be applicable to the current or new premises license number of the new owner.

11. Notice to Employees

Respondent shall, upon or before the effective date of this decision, ensure that all employees involved in permit operations are made aware of all the terms and conditions of probation, either by posting a notice of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout the probation period. Respondent shall ensure that any employees hired or used after the effective date of this decision are made aware of the terms and conditions of probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit written notification to the Board, within fifteen (15) days of the effective date of this decision, that this term has been satisfied. Failure to timely provide such notification to employees, or to timely submit such notification to the Board shall be considered a violation of probation.

"Employees" as used in this provision includes all full-time, part-time, volunteer, temporary and relief employees and independent contractors employed or hired at any time during probation.

12. Owners and Officers: Knowledge of the Law

Respondent shall provide, within thirty (30) days after the effective date of this decision, signed and dated statements from its owners, including any owner or holder of ten percent (10%) or more of the interest in respondent or respondent's stock, and all of its officer, stating under penalty of perjury that said individuals have read and are familiar with state and federal laws and

regulations governing the practice of pharmacy. The failure to timely provide said statements under penalty of perjury shall be considered a violation of probation.

13. Premises Open for Business

Respondent shall remain open and engaged in its ordinary business as a(n) Nonresident Pharmacy Permit in California for a minimum of 120 hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation, unless respondent is informed otherwise in writing by the Board. If respondent is not open and engaged in its ordinary business as a(n) Nonresident Pharmacy Permit for a minimum of 120 hours in any calendar month, for any reason (including vacation), respondent shall notify the Board in writing within ten (10) days of the conclusion of that calendar month. This notification shall include at minimum all of the following: the date(s) and hours respondent was open; the reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on which respondent will resume business as required. Respondent shall further notify the Board in writing within ten (10) days following the next calendar month during which respondent is open and engaged in its ordinary business as a(n) Nonresident Pharmacy Permit in California for a minimum of 120 hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

14. Posted Notice of Probation

Respondent shall prominently post a probation notice provided by the Board in a place conspicuous to and readable by the public within two (2) days of receipt thereof from the Board. Failure to timely post such notice, or to maintain the posting during the entire period of probation, shall be considered a violation of probation.

In addition, respondent shall prominently post a probation notice, similar to that provided by the Board, on respondent's website in a place that is likely to be frequented by California consumers and health care providers.

Respondent shall not, directly or indirectly, engage in any conduct or make any statement

which is intended to mislead or is likely to have the effect of misleading any patient, customer, member of the public, or other person(s) as to the nature of and reason for the probation of the licensed entity.

Respondent shall also provide a copy of the notice of probation in all shipments to and within California.

15. Violation of Probation

If a respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and probation shall be automatically extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board shall post a notice of the automatic extension of the probation period on its website.

If Respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

16. Completion of Probation

Upon written notice by the Board indicating successful completion of probation, respondent's license will be fully restored.

17. Quarterly Inspections – Optional Board inspector to conduct the inspection

Respondent shall, at all times while on probation, be responsible for all of the Board's costs associated with the inspection of North American Custom Laboratories, dba Farmakeio, including but not limited to the following costs: airfare, lodging, rental car, parking, per diem, air travel time and inspection time of the Board's inspector to travel from and to California to inspect North American Custom Laboratories, dba Farmakeio, at the least three (3) time a year for each year of

the probation imposed upon the Respondent.

18. Inspection Reports

Within sixty (60) days of the effective date of this Decision, Respondent shall provide to the Board copies of all inspection reports conducted of the pharmacy's premises and any reports from a private accrediting agency documenting the pharmacy's operations within seventy-two (72) hours of Respondent's receipt of the reports. If Respondent has not received a report(s) within seven (7) days after the occurrence of an inspection conducted of the pharmacy's premises and/or a private accrediting agency documenting the pharmacy's operations, Respondent shall immediately notify the Board in writing of the inspection and/or review of the pharmacy's operations and the absence of a report.

Failure to submit any report(s) and/or notification(s) to the Board shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tyler G. Doyle, Esq. I understand the stipulation and the effect it will have on my Nonresident Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____

BARRY SIEGEL, GENERAL COUNSEL
NORTH AMERICAN CUSTOM LABORATORIES
DBA FARMAKEIO
Respondent

the probation imposed upon the Respondent.

18. Inspection Reports

Within sixty (60) days of the effective date of this Decision, Respondent shall provide to the Board copies of all inspection reports conducted of the pharmacy's premises and any reports from a private accrediting agency documenting the pharmacy's operations within seventy-two (72) hours of Respondent's receipt of the reports. If Respondent has not received a report(s) within seven (7) days after the occurrence of an inspection conducted of the pharmacy's premises and/or a private accrediting agency documenting the pharmacy's operations, Respondent shall immediately notify the Board in writing of the inspection and/or review of the pharmacy's operations and the absence of a report.

Failure to submit any report(s) and/or notification(s) to the Board shall be considered a violation of probation.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Tyler G. Doyle, Esq. I understand the stipulation and the effect it will have on my Nonresident Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 08/14/2025 1:18 PM PDT

Signed by:
E908F68452D2469...

BARRY SIEGEL, GENERAL COUNSEL
NORTH AMERICAN CUSTOM LABORATORIES
DBA FARMAKEIO
Respondent

I have read and fully discussed with Respondent North American Custom Laboratories dba Farmakeio the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

TYLER G. DOYLE, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: _____

Respectfully submitted,

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

PATRICIA WEBBER HEIM
Deputy Attorney General
Attorneys for Complainant

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I have read and fully discussed with Respondent North American Custom Laboratories dba Farmakeio the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 08/14/2025 4:06 PM EDT

Signed by: CD46F570F37C49C...

TYLER G. DOYLE, ESQ.
Attorney for Respondent

ENDORSEMENT

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

DATED: August 14, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
DAVID E. BRICE
Supervising Deputy Attorney General

Patricia WEBber Heim

PATRICIA WEBBER HEIM
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 7870

ROB BONTA
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DAVID E. BRICE
Supervising Deputy Attorney General
PATRICIA WEBBER HEIM
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State Bar No. 230889
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E-mail: Patricia.Heim@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **NORTH AMERICAN CUSTOM LABORATORIES DBA FARMAKEIO** **DANIEL DENEUI, CEO** **JUSTIN GRAVES, VICE PRES.** **MICHAEL COLE, TREAS.** **CODY BOATMAN, MEMBER** **ROBERT HARRIS, MEMBER** **1736 N. Greenville Ave.** **Richardson, TX 75081** **Nonresident Pharmacy Permit No. NRP 2285** Respondent.	Case No. 7870 **ACCUSATION**

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.

2. On or about March 13, 2020, the Board of Pharmacy (Board) issued Nonresident Pharmacy Permit Number NRP 2285 to North American Custom Laboratories doing business as

(dba) Farmakeio, (Respondent Farmakeio). The Nonresident Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on March 1, 2025, unless renewed.

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 118 of the Code states:

> (a) The withdrawal of an application for a license after it has been filed with a board in the department shall not, unless the board has consented in writing to such withdrawal, deprive the board of its authority to institute or continue a proceeding against the applicant for the denial of the license upon any ground provided by law or to enter an order denying the license upon any such ground.
>
> (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.
>
> (c) As used in this section, "board" includes an individual who is authorized by any provision of this code to issue, suspend, or revoke a license, and "license" includes "certificate," "registration," and "permit."

5. Section 4011 of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code §§ 4000, *et seq*.] and the Uniform Controlled Substances Act [Health & Saf. Code §§ 11000, *et seq*.]

6. Section 4300 of the Code states, in pertinent part:

> (a) Every license 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.
>
> (3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

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

7. 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.

8. Section 4301 of the Codes 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 includes, but it not limited to, any of the following:

. . . .

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

. . . .

(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.

. . . .

(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the board.

. . . .

9. 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.

10. Section 4129 of the Code states, in pertinent part:

(a) A facility registered as an outsourcing facility with the federal Food and Drug Administration (FDA) shall be concurrently licensed with the board as an outsourcing facility if it compounds sterile medication or nonsterile medication for nonpatient-specific distribution within or into California.

. . . .

STATUTORY PROVISIONS

11. Section 4022 of the Code states:

Dangerous drug or dangerous device means any drug or device unsafe for self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: Caution: federal law prohibits dispensing without prescription, Rx only, or words of similar import.

(b) Any device that bears the statement: Caution: federal law restricts this device to sale by or on the order of a _____, Rx only, or words of similar import, the blank to be filled in with the designation of the practitioner licensed to use or order use of the device.

(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

12. Section 4129.2 of the Code states, in pertinent part:

(a) An outsourcing facility that is licensed with the federal Food and Drug Administration (FDA) as an outsourcing facility and has an address outside of the state but in the United States of America is a nonresident outsourcing facility. A

nonresident outsourcing facility shall not compound sterile drug products or nonsterile drug products for distribution or use into this state without an outsourcing license issued by the board pursuant to this section. The license shall be renewed annually and shall not be transferrable.

. . . .

13. Section 4169 of the Code states in pertinent part:

(a) A person or entity shall not do any of the following:

. . . .

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 11250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

. . . .

14. Section 4207 of the Code states:

(a) Upon receipt of an application for a license and the applicable fee, the board shall make a thorough investigation to determine whether the applicant is qualified for the license being sought. The board shall also determine whether this article has been complied with, and shall investigate all matters directly related to the issuance of the license that may affect the public welfare.

(b) The board shall not investigate matters connected with the operation of a premises other than those matters solely related to the furnishing of dangerous drugs or dangerous devices that might adversely affect the public welfare.

(c) The board shall deny an application for a license if the applicant does not qualify for the license being sought.

(d) Notwithstanding any other provision of law, the board mya request any information it deems necessary to complete the application investigation required by this section, and a request for information that the board deems necessary in carrying out this section in any application or related form devised by the board shall not be required to be adopted by regulation pursuant to the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

15. Section 111250 of the Health & Safety Code states that any drug or device is adulterated if it consists, in whole or in part, of any filthy, putrid, or decomposed substance.

16. Section 111255 of the Health and Safety Code states that any drug or device is adulterated if it has been produced, prepared, packed, or held under conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health.

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17. Section 111295 of the Health & Safety Code states that it is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any drug or device that is adulterated.

18. Section 111550 of the Health & Safety Code states:

> No person shall sell, deliver, or give away any new drug or new device unless it satisfies either of the following:
>
> (a) It is one of the following:
>
> (1) A new drug, and a new drug application has been approved for it and that approval has not been withdrawn, terminated, or suspended under Section 505 of the federal act (21 U.S.C. Sec. 355).
>
> (2) A new biologic product for which a license has been issued as required by the federal Public Health Service Act (42 U.S.C. Sec. 262).
>
> (3) A device that is reported under Section 510(k) of the federal act (21 U.S.C. Sec. 360(k)), or is a device exempted pursuant to subsection (l) or (m) of Section 360 of Title 21 of the United States Code, or it is a new device for which a premarket approval application has been approved, and that approval has not been withdrawn, terminated, or suspended under Section 515 of the federal act (21 U.S.C. Sec. 360e).
>
> (b) The department has approved a new drug or device application for that new drug or new device and that approval has not been withdrawn, terminated, or suspended. Any person who files a new drug or device application with the department shall submit, as part of the application, all of the following information
>
> (1)Full reports of investigations that have been made to show whether or not the new drug or device is safe for use and whether the new drug or device is effective in use under the conditions prescribed, recommended, or suggested in the labeling or advertising of the new drug or device.
>
> (2) A full list of the articles used as components of the new drug or device.
>
> (3) A full statement of the composition of the new drug or device.
>
> (4) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the new drug, or in the case of a new device, a full statement of its composition, properties, and construction, and the principles of its operation.
>
> (5) Samples of the new drug or device and of the articles used as components of the drug or device as the department may require.
>
> (6) Specimens of the labeling and advertisements proposed to be used for the new drug or device.

19. Title 21 of the United States Code (21 U.S.C.) section 353a states, in pertinent part:

> . . . .

(b) Compounded drug

(1) Licensed pharmacist and licensed physician

A drug product may be compounded under subsection (a) if the licensed pharmacist or licensed physician:

(A) compounds the drug product using bulk drug substances, as defined in regulations of the Secretary published at section 207.3(a)(4) of title 21 of the Code of Federal Regulations –

(i) that –

(I) comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if a monograph exists, and the United Stated Pharmacopoeia chapter on pharmacy compounding;

(II) If such a monograph does not exist, are drug substances that are components of drugs approved by the Secretary; or

(III) If such a monograph does not exist and the drug substance is not a component of a drug approved by the Secretary, that appear on a list developed by the Secretary through regulations issued by the Secretary under subsection (c);

. . . .

COST RECOVERY

20. Code section 125.3 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.

FACTUAL ALLEGATIONS

21. On or about April 15, 2020, the Board received a nonresident sterile compounding license application for Respondent Farmakeio, but due to the ongoing Covid-19 pandemic, an onsite inspection of the pharmacy and related compounding spaces was postponed.

22. On or about March 28, 2022, Board inspector M.V. contacted Respondent Farmakeio's vice president J.G., who was also the Pharmacist-in-Charge (PIC), according to Board records, and requested pre-inspection documents to complete an onsite inspection of the pharmacy and compounding spaces for the non-resident sterile compounding license.

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23. Concurrently, on or about March 30, 2022, the Food and Drug Administration (FDA) released a MedWatch Alert on sterile products compounded by Farmakeio Superior Custom Compounding. The Board initiated an investigation of this alert.

24. On or about April 1, 2022, M.V. emailed J.G. and requested an unredacted copy of the FDA Form 483 that had prompted the FDA MedWatch. J.G. stated that he was working on a state board memo that would be provided "shortly."

25. On or about April 4, 2022, M.V, received a copy of Respondent Farmakeio's "Memo to the State Board of Pharmacies," which included several inaccessible document hyperlinks to documents submitted to the FDA as part of Respondent Farmakeio's official responses to the FDA Form 483.

26. On or about April 5, 2022, M.V. received the pre-inspection documents that had been requested from Respondent Farmakeio on March 28, 2022, related to the application for a nonresident compounding license. The pre-inspection documents included a list of compounded sterile preparations (CSP's) made at Farmakeio, which was relevant to the Board's investigation regarding the FDA MedWatch Alert.

27. The next day, on or about April 6, 2022, in response to the request for information related to the FDA MedWatch Alert, J.G. emailed M.V. and Supervising Board inspector C.A. a hyperlink with the following documents: Respondent Farmakeio's FDA Form 483, the cover letter to FDA, the FDA Form 483 responses, the signed HHE worksheet, the signed HHE worksheet Committee Review, and a Pall AcroPak brochure. In its responses to the FDA Form 483, Respondent Farmakeio identified a non-pharmaceutical grade filter, Pall Acropak 20 for sterile filtration of injectable solutions, specifically the Pall Acropak 20 with 0.8/0.2-micron Supor filter. After receiving this information, M.V. requested that J.G. provide a list of all prescriptions shipped to California by Respondent Farmakeio from April 1, 2020, to April 1, 2022, and for one copy of an executed compounding log for each sterile injectable preparation compounded at Farmakeio.

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28. On or about April 13, 2022, J.G. provided the first California dispensing report showing all prescriptions dispensed to California between April 1, 2020, to April 1, 2022, which showed no compounded sterile preparations had been shipped to California.

29. On or about April 14, 2022, J.G. told M.V. that Respondent Farmakeio did not compound any sterile injectables that could be shipped to California, and on April 19, 2022, M.V. received copies of unexecuted compounding logs for five injectables. Upon review, Board investigators discovered those logs were not in full compliance with regulations and the injectables could not be shipped to California.

30. On or about April 20, 2022, M.V. and C.A. had a virtual meeting with J.G. to discuss the requirements for assigning extended beyond-use dates to compounded sterile preparations including method suitability studies, container closure integrity testing, stability-indicating stability studies, and the use of peptides for compounding. C.A. also told J.G. that the five preparations for which compounding logs had been provided were not in full compliance with regulations and could not be shipped to California. And, M.V. told J.G. that non-sterile compounded oral preparations using peptide bulk drug substances could not be shipped to California because they failed to comply with Section 503a of the FDCA.

31. On or about April 21, 2022, J.G. told M.V. that he was no longer the PIC of Respondent Farmakeio as of November 2021, despite the fact that it was J.G. who had been in contact with M.V. since August 2020, and M.V. had always referred to him as PIC without being corrected by J.G. of his status.

32. On or about April 25, 2022, Board investigators M.V. and C.A. had a follow-up meeting with J.G. and PIC A.B. in which they discussed Respondent Farmakeio's sterile compounding license application and onsite inspection. J.G. said that Respondent Farmakeio's application was on hold, and that an onsite inspection was therefore unnecessary. At that meeting, C.A. told J.G. and PIC A.B. that the Board was investigating the possibility that compounded sterile preparations made at Respondent Farmakeio had been shipped into California.

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33. On or about May 10, 2022, M.V. requested the additional documents from Respondent Farmakeio, including complete patient profiles (from April 1, 2020), a copy of the prescriptions, the dispensing history, and shipping information for three patients, FF, JS, and EC, and individual reports showing all prescriptions ordered and dispensed between April 1, 2020, to May 10, 2022, by providers WC (DO), AL (FNP), JH (NP), and TT (DO).

34. On or about May 12, 2022, J.G. provided a response that stated that Respondent Farmakeio did not ship sterile injectables into California, and that none of the requested prescriptions had been shipped to California. J.G. stated that the FF prescriptions had been shipped directly to Texas, the JS prescription had been shipped directly to the patient's home in Texas, and the EC prescriptions had been shipped directly to Illinois. J.G. did not provide the requested additional documents.

35. On or about May 23, 2022, M.V. sent a follow up email to PIC A.B. and J.G. again requesting the documents requested on May 10, 2022. M.V. also requested the shipping records mentioned by J.G. in order to validate Respondent Farmakeio's response. A third email was sent to PIC A.B. and J.G. requesting the additional documents on June 1, 2022. No response was received.

36. On or about June 6, 2022, Board investigator C.A. again requested the additional documents from Respondent Farmakeio along with complete patient profiles showing all prescriptions ordered and dispensed for 23 patients; copies of prescription hardcopies and labels for 29 patients; provider profiles for any-and-all prescriptions ordered and shipped to California for 22 providers; the California license number for Dr. KN; and any information showing a doctor/patient relationship between Dr. KN and patients UN and VN.

37. On June 17 and 20, 2022, M.V. received records from Respondent Farmakeio including FedEx confirmations for patient FF, EC, and JS, prescription hardcopies and labels for 29 prescription records, provider profiles for 22 providers, and patient profiles showing dispenses from April 1, 2020, to June 1, 2020, for 23 patients. The patient profiles were incomplete, including missing prescription orders.

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38. On or about June 28, 2022, M.V. emailed PIC A.B. requesting clarification of the inconsistencies found on the recent documents compared to both the original California dispensing report received from Respondent Farmakeio on April 13, 2022, and the FDA six-month log. Certain prescriptions ordered for California patients did not show up on the provided patient profiles, and compounded sterile preparations were found on the FDA six-month report that had been shipped to California. Also, in the provider profiles, Dr. DY's provider profile showed 19 prescriptions had been shipped to California from April 1, 2020, to April 1, 2022, but the California dispensing report previously provided only showed one prescription had been shipped to California by Dr. DY. Therefore, M.V. again requested that PIC A.B. provide complete unredacted copies of the patient profiles, provider reports showing any-and-all prescriptions ordered and shipped to California for the 22 providers noted, and any-and-all prescriptions shipped to California from April 1, 2020, to June 28, 2022. M.V. also requested acquisition records, copies of prescription orders, and shipping records for seven pellet orders that were shipped to California.

39. On July 1 and 12, 2022, Respondent Farmakeio provided M.V. with an updated California dispensing log from April 1, 2020, to June 6, 2022, along with copies for prescription orders and shipping records for 8 prescriptions, and Texas licensing information for Dr. GC and Dr. KN. Respondent Farmakeio also provided clarifications, additional responses, and explanations for questions M.V. requested on June 28, 2022.

40. On or about November 18, 2022, the FDA issued a warning letter to Respondent Farmakeio.

41. For her Board investigation, M.V. reviewed FedEx confirmation records of all preparations that were sent to clinics or medical offices. There were inconsistencies between statements made by J.G. and the records, including the location of where prescriptions had been sent. Also, FedEx confirmation records showed two additional prescriptions were found that did not appear on the initial California dispensing log sent by Respondent Farmakeio for April 1, 2020, to April 1, 2022.

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42. In M.V.'s review of 27 of the 29 prescription hardcopies and labels (including information sent from the FDA), she found that the intended shipping address for all except four prescriptions were to California addresses. Further investigation showed that from at least October 14, 2020, to at least April 6, 2022, Respondent Farmakeio compounded and furnished at least eight adulterated compounding drug preparations:

Rx Number	Patient	Drug Name	Date Filled
582142	HP	Selank Acetate 7.5 mg/ml nasal spray	10/14/2020
586383	MSz	Semax Acetate 7.5 mg/ml nasal spray	11/18/2020
592246	WD	BPC-157 Acetate 500 mg capsules	1/7/2021
593338	JHu	MK-677 (Ibutamoren Mesylate) 25 mg capsules	1/14/2021
607303	CD	5-Amino-1MQ 50 mg capsules	4/26/2021
636937	HY	LGD-4033 5 mg capsules	11/2/2021
643901	SB	5-Amino-1MQ 50 mg capsules	12/16/2021
654705	RMu	LGD-4033 0.5 mg capsules	2/25/2022
661977	JBe	BPC-157 Acetate 500 mcg capsules	4/1/2022
645943	CGi	Selank Acetate 7.5 mg/ml nasal spray	4/6/2022

43. M.V. also reviewed the 22 provider profiles received and compared them to the prescriptions shipped to California from April 1, 2020, to April 1, 2022, and the two California dispensing reports. Four of the provider profiles did not match the two California dispensing reports. At least 22 pellets that had been shipped to California and noted on the provider profiles were not found on the first California dispensing report provided to Board investigators.

44. In her review of California-provider licensing information, M.V. discovered that GC's NP license was delinquent, Dr. KN MD license was canceled, and Dr. ST's MD license was surrendered.[1]

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[1] Those providers did have an active Texas license and were prescribing medications for California patients.

45. M.V. compared twenty-three patient profiles with both California dispensing reports received and the provider profiles, and specifically found that:

a. For patient MJ, at least two prescriptions were dispensed for this patient, but only one was found on the patient profile. The comment "not shipped to California" was found under the "drug name" column instead of the actual drug name (Testosterone/Triamcinolone 100/20mcg pellet). When asked, Respondent Farmakeio said that its records did not show that those two prescriptions were dispensed to MJ, nor were those prescriptions shipped to California.

b. For Patient EC, only one prescription appeared on the patient profile (Ivermectin) when it had been previously established that two other prescriptions were prescribed to EC, neither of which appeared on EC's patient profile as "not shipped to California." M.V. determined that if the initial California dispensing report was generated based on patients with a California address, both missing prescriptions should have been on the first California dispensing report and were not.

46. M.V. compared both California dispensing reports for the period between April 1, 2020, to April 1, 2022. She found the following differences noted on the second California dispensing report (received July 1, 2022) that were not on the first California dispensing report (received April 13, 2022):

a. 20 prescriptions for pellets for fifteen patients ordered by RC, NP

b. 7 prescriptions for pellets for four patients ordered by AD, MD

c. 4 prescriptions for pellets for two patients ordered by JH, NP

d. 1 prescription for an injectable solution (Lidocaine/Epinephrine) for one patient ordered by KS, MD

e. 12 prescriptions for pellets for four patients ordered by VT, MD

f. 29 prescriptions for pellets for eight patients ordered by DW

g. 18 prescriptions for pellets for five patients ordered by DY, MD

47. An email sent by Respondent Farmakeio on July 1, 2022, stated that the original California dispensing report was generated based on patients who had a California address, while

the second California dispensing report was based on orders shipped to California. M.V.'s request had been for all prescriptions shipped to California. The first California dispensing report should have shown most or all of the prescriptions on the FDA six-month log, but it did not.

48. Regarding the prescriptions and shipping records for pellets and testosterone injectable, Respondent Farmakeio provided five prescription hardcopies and four shipping records for testosterone/triamcinolone and estradiol pellets. One prescription hardcopy and shipping record for a testosterone 200 mg/ml injectable was provided. The shipping records for the pellets shows the pellets were delivered to the providers' offices in California. The shipping record for the testosterone injectable solution showed that the prescription was delivered to San Diego, California, but the full delivery address was missing. No acquisition records were provided for the pellets or the injectable solution.

49. Respondent Farmakeio also owns and manages an outsourcing facility "Farmakeio Outsourcing" that is not licensed by the Board, and therefore cannot compound drugs for California patients. Farmakeio Outsourcing manufactures testosterone, testosterone/triamcinolone, and estradiol pellets. Respondent Farmakeio had sent an email on July 12, 2022, which stated that none of the pellets shipped to California were compounded by Farmakeio Custom Compounding Pharmacy. Likewise the email stated that the one injectable testosterone solution prescription was also not compounded at Farmakeio Custom Compounding Pharmacy.

50. Board inspectors determined, after an extensive review of all documentation, that Respondent Farmakeio was not compliant with the Federal Food, Drug, and Cosmetic Act, and had sold its adulterated drugs via interstate commerce, a violation of pharmacy law.

FIRST CAUSE FOR DISCIPLINE

(Subverting or Attempting to Subvert an Investigation)

51. Respondent Farmakeio is subject to disciplinary action under Code section 4301, subdivision (q), for violating Code section 4207, subdivision (d), in that it failed to supply records as requested an/or supplied incomplete or edited records that were to be used for the purposes of

investigating unlicensed activity, as more particularly set forth in paragraphs 24-27, 28-39, 41-43, and 45-49 above, and incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Shipping Pellets to California)

52. Respondent is subject to disciplinary action for unprofessional conduct under Code section 4301, subdivision (o), in that Respondent Farmakeio shipped approximately 92 prescriptions for compounded or manufactured hormonal pellets to California that were obtained from their outsourcing facility Farmakeio Outsourcing LLC, which is not licensed in California, as more particularly set forth in paragraphs 26, 28, 32, 37-39, 41-43, and 45-49 above, and incorporated herein by reference.

THIRD CAUSE FOR DISCIPLINE

(Adulterated Preparations)

53. Respondent Farmakeio is subject to disciplinary action under Code section 4301, subdivisions (j) and (o) for violating Health and Safety Code sections 111250, and 111295, as related to Code section 4169, subdivision (a), in that from at least October 14, 2020, to at least April 6, 2022, Respondent Farmakeio compounded and furnished at least ten compounded drug preparations, which were adulterated, as more specifically set for the paragraphs 23-30, and 32-50 above, and incorporated here by reference.

FOURTH CAUSE FOR DISCIPLINE

(Use of a Non-Compliant Bulk Drug Substance)

54. Respondent Farmakeio is subject to disciplinary action under Code section 4301, subdivisions (j) and (o) for violating Health and Safety Code section 111550, as related to 21 U.S. Code section 353a, subdivision (b)(1)(A)(i), in that from October 14, 2020, to at least April 6, 2022, at least ten compounding drug preparations were not compounded within the allowance of Section 503A of the Federal Food, Drug, and Cosmetic Act and were not a new drug approved by the Food and Drug Administration, as more specifically set for the paragraphs 21-50 above, and incorporated here by reference.

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OTHER MATTERS

55. Pursuant to Code section 4307, if discipline is imposed on Nonresident Pharmacy Permit No. NRP 2285 issued to North American Custom Laboratories dba Farmakeio, it shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit No. NRP 2285 is placed on probation or until Nonresident Pharmacy Permit No. NRP 2285 is reinstated if it is revoked.

56. Pursuant to Code section 4307, is discipline is imposed on Nonresident Pharmacy Permit No. NRP 2285 issued to North American Custom Laboratories dba Farmakeio while Justin Graves, Daniel Deneui, Michal Cole, Cody Boatman, or Robert Harris has been a member, shareholder, officer, director, or manager and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Justin Graves, Daniel Deneui, Michal Cole, Cody Boatman, or Robert Harris shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit No. NRP 2285 is placed on probation or until Nonresident Pharmacy Permit No. NRP 2285 is 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 Nonresident Pharmacy Permit Number NRP 2285, issued to North American Custom Laboratories dba Farmakeio;

2. Prohibiting Chief Executive Officer Daniel Deneui from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit Number NRP 2285 is placed on probation or until Nonresident Pharmacy Permit Number NRP 2285 is reinstated if Nonresident Pharmacy Permit Number NRP 2285 issued to North American Custom Laboratories dba Farmakeio is revoked;

3. Prohibiting Treasurer Michael Cole from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit Number NRP 2285 is placed on probation or until Nonresident Pharmacy

Permit Number NRP 2285 is reinstated if Nonresident Pharmacy Permit Number NRP 2285 issued to North American Custom Laboratories dba Farmakeio is revoked;

4. Prohibiting Member Cody Boatman from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit Number NRP 2285 is placed on probation or until Nonresident Pharmacy Permit Number NRP 2285 is reinstated if Nonresident Pharmacy Permit Number NRP 2285 issued to North American Custom Laboratories dba Farmakeio is revoked;

5. Prohibiting Member Robert Harris from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit Number NRP 2285 is placed on probation or until Nonresident Pharmacy Permit Number NRP 2285 is reinstated if Nonresident Pharmacy Permit Number NRP 2285 issued to North American Custom Laboratories dba Farmakeio is revoked;

6. Prohibiting Vice President Justin Graves from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Nonresident Pharmacy Permit Number NRP 2285 is placed on probation or until Nonresident Pharmacy Permit Number NRP 2285 is reinstated if Nonresident Pharmacy Permit Number NRP 2285 issued to North American Custom Laboratories dba Farmakeio is revoked;

7. Ordering North American Custom Laboratories dba Farmakeio 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, if placed on probation, the costs of probation monitoring; and,

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

DATED: 10/17/2024

Sodergren, Anne@DCA Digitally signed by Sodergren, Anne@DCA Date: 2024.10.17 05:55:55 -07'00'

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

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