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

11 In the Matter of the Statement of Issues Against:

Case No. 7089

12
13 **OPS INTERNATIONAL INCORPORATED,**
DBA OLYMPIA PHARMACY; MARCO
14 **LOLEIT, CEO AND OWNER**

**FIRST AMENDED STATEMENT OF
ISSUES**

15 **Nonresident Pharmacy License Applicant**

16
17 Respondent.

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19 **PARTIES**

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

23 2. On or about March 23, 2020, the Board received an application for a Nonresident
24 Pharmacy License Application from OPS International Incorporated, doing business as Olympia
25 Pharmacy, with Marco Loleit as its Chief Executive Officer and 100% stockholder (Respondent).
26 On or about March 11, 2020, Marco Loleit certified under penalty of perjury to the truthfulness of
27 all statements, answers, and representations in the application. On or about June 2, 2020,
28 Respondent resubmitted its application, clarifying the ownership information and changing the

1 ownership address from 4600 L B McLeod Road, Orlando, FL 32811, to 6700 Conroy Road,
2 Suite 155, Orlando, FL 32835. On or about June 2, 2020, Marco Loleit again certified under
3 penalty of perjury to the truthfulness of all statements, answers, and representations in the
4 application. The Board denied the application on or about December 22, 2020.

5 **JURISDICTION**

6 3. This First Amended Statement of Issues is brought before the Board, under the
7 authority of the following laws. All section references are to the Business and Professions Code
8 (Code) unless otherwise indicated.

9 4. Code Section 4302 states:

10 The board may deny, suspend, or revoke any license of a corporation where
11 conditions exist in relation to any person holding 10 percent or more of the corporate stock
12 of the corporation, or where conditions exist in relation to any officer or director of the
13 corporation that would constitute grounds for disciplinary action against a licensee.

13 **STATUTORY PROVISIONS**

14 5. Code section 4307, subdivision (a), states, in pertinent part:

15 Any person who has been denied a license or whose license has been revoked or is
16 under suspension, or who has failed to renew his or her license while it was under
17 suspension, or who has been a manager, administrator, owner, member, officer, director,
18 associate, or partner of any partnership, corporation, firm, or association whose application
19 for a license has been denied or revoked, is under suspension or has been placed on
20 probation, and while acting as the manager, administrator, owner, member, officer, director,
21 associate, or partner had knowledge of or knowingly participated in any conduct for which
22 the license was denied, revoked, suspended, or placed on probation, shall be prohibited
23 from serving as a manager, administrator, owner, member, officer, director, associate, or
24 partner of a licensee as follow:

(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. . . .

24 **FACTUAL ALLEGATIONS**

25 6. Marco Loleit signed Respondent's application as Respondent's Chief Executive
26 Officer and "owner". Mr. Loleit was the only listed officer for Respondent on its application.

27 7. Mr. Loleit is also currently listed in the Board's records as the Chief Executive
28 Officer, Chief Financial Officer, Secretary and Treasurer of Olympia Pharmacy, Non-Resident

1 Pharmacy Permit Number NRP 1525 and Non-Resident Compounding Permit Number NSC
2 100818 (hereinafter Olympia Pharmacy).

3 8. On December 13, 2022, Second Amended Accusation No. 7088 was filed against
4 Olympia Pharmacy, alleging violations of pharmacy law. A true copy of Second Amended
5 Accusation No. 7088 is attached as Exhibit A.

6 **CAUSE FOR DENIAL OF APPLICATION**

7 **(Conditions Exist Constituting Grounds for Disciplinary Action)**

8 9. Respondent's application is subject to denial pursuant to Code sections 4302 in that
9 conditions exist in relation to a person owning 10 percent or more of the ownership interest or
10 serving as an officer of Respondent that would constitute grounds for disciplinary action. The
11 circumstances are that a Second Amended Accusation has been filed against Olympia Pharmacy
12 alleging violations of pharmacy law. Marco Loleit is an officer of Olympia Pharmacy and is
13 listed as an officer and owner of Respondent, as set forth in paragraphs 6-8 above.

14 **OTHER MATTERS**

15 10. Pursuant to Code section 4307, if Respondent's application is denied or if discipline
16 is imposed on a permit issued to Respondent, then Respondent shall be prohibited from serving as
17 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
18 until said permit is issued or for five years if a permit is issued and placed on probation.

19 **PRAYER**

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

22 1. Denying the application of OPS International Incorporated, dba Olympia Pharmacy
23 for a Nonresident Pharmacy License;

24 2. Prohibiting OPS International Incorporated, dba Olympia Pharmacy from serving as a
25 manager, administrator, owner, member, officer, director, associate, or partner of a licensee until
26 a permit is issued if the application is denied or for five years if a permit is issued and placed on
27 probation;

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1 3. Prohibiting Marco Loleit from serving as a manager, administrator, owner, member,
2 officer, director, associate, or partner of a licensee until a permit is issued if the application is
3 denied or for five years if a permit is issued and placed on probation; and,

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

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6 DATED: 12/16/2022

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2022.12.16 12:28:56
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ANNE SODERGREN
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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Exhibit A
Second Amended Accusation No. 7088