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

11
12 In the Matter of the Statement of Issues Against:

Case No. 7089

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

SECOND AMENDED STATEMENT
OF ISSUES

16 **Nonresident Pharmacy Permit Applicant**
17 **Nonresident Sterile Compounding Permit**
Applicant

18 Respondent.
19

20
21 **PARTIES**

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

25 2. On or about March 23, 2020, the Board received applications for a Nonresident
26 Pharmacy Permit and a Nonresident Sterile Compounding Permit (“applications”) from OPS
27 International Incorporated, doing business as Olympia Pharmacy, with Marco Loleit as its Chief
28 Executive Officer and 100% stockholder (Respondent). On or about March 11, 2020, Marco

1 Loleit certified under penalty of perjury to the truthfulness of all statements, answers, and
2 representations in the application. The Board denied the applications on or about December 22,
3 2020.

4 **JURISDICTION**

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

8 4. Code Section 4302 states:

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

12 **STATUTORY PROVISIONS**

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

14 Any person who has been denied a license or whose license has been revoked or is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

23 **FACTUAL ALLEGATIONS**

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

26 7. Mr. Loleit is also currently listed in the Board's records as the Chief Executive
27 Officer, Chief Financial Officer, Secretary and Treasurer of Olympia Pharmacy, Nonresident
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1 Pharmacy Permit Number NRP 1525 and Nonresident 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 applications are 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 applications are denied or if
16 discipline is imposed on a permit issued to Respondent, then Respondent shall be prohibited from
17 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
18 licensee 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 applications of OPS International Incorporated, dba Olympia Pharmacy
23 for a Nonresident Pharmacy Permit and Nonresident Sterile Compounding Permit;

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 applications are denied or for five years if a permit is issued and placed
27 on 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 applications are
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: 3/8/2024

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2024.03.08 11:24:57
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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