

1 ROB BONTA
Attorney General of California
2 NANCY A. KAISER
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6301
6 Facsimile: (916) 731-2126
E-mail: Kevin.Rigley@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Statement of Issues
Against:

12 **MED SHOP RX, INC., ALEK H.**
13 **TOROSYAN, CEO/CFO/SEC/DIR/SH**

14
15 Community Pharmacy License Applicant

16
17 Respondent.

Case No. 7937

STATEMENT OF ISSUES

18
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, Department of Consumer Affairs.

22 2. On or about November 20, 2023, the Board of Pharmacy, Department of Consumer
23 Affairs received an amended application for a Community Pharmacy License from Med Shop Rx,
24 Inc., Alek H. Torosyan, CEO/CFO/SEC/DIR/SH (Respondent). On or about November 20, 2023,
25 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
26 representations in the application. The Board denied the application on September 27, 2024.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Board of Pharmacy (Board) for the
3 Department of Consumer Affairs, under the authority of the following laws. All section
4 references are to the Business and Professions Code (Code) unless otherwise indicated.

5 **STATUTORY PROVISIONS**

6 4. Section 480 states, in pertinent part:

7 “(a) Notwithstanding any other provision of this code, a board may deny a license regulated
8 by this code on the grounds that the applicant has been convicted of a crime or has been subject to
9 formal discipline only if either of the following conditions are met:

10

11 “(e) A board may deny a license regulated by this code on the ground that the applicant
12 knowingly made a false statement of fact that is required to be revealed in the application for the
13 license. A board shall not deny a license based solely on an applicant’s failure to disclose a fact
14 that would not have been cause for denial of the license had it been disclosed.”

15 5. Section 4300 provides in pertinent part:

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17 “(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The
18 board may, in its sole discretion, issue a probationary license to any applicant for a license who is
19 guilty of unprofessional conduct and who has met all other requirements for licensure...”

20 6. Section 4301 states, in pertinent part:

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

24 “(a) Procurement of a license by fraud or misrepresentation.

25

26 “(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
27 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
28 whether the act is a felony or misdemeanor or not.

1 “(g) Knowingly making or signing any certificate or other document that falsely
2 represents the existence or nonexistence of a state of facts.

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4 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
5 violation of or conspiring to violate any provision or term of this chapter or of the applicable
6 federal and state laws and regulations governing pharmacy, including regulations established by
7 the board or by any other state or federal regulatory agency.

8 “(p) Actions or conduct that would have warranted denial of a license.”

9 **REGULATORY PROVISIONS**

10 7. California Code of Regulations, title 16, section 1770 states, in pertinent part:

11 "For the purpose of denial, suspension, or revocation of a personal or facility license
12 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
13 crime or act shall be considered substantially related to the qualifications, functions or duties of a
14 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
15 licensee or registrant to perform the functions authorized by his license or registration in a manner
16 consistent with the public health, safety, or welfare."

17 **FACTUAL BACKGROUND**

18 8. On January 3, 2017, the Board issued license number PHY 55411 to Phantastic
19 Pharmacy. Respondent was the 100% owner of the pharmacy. The pharmacy license was
20 cancelled, effective June 19, 2023, due to a change of ownership.

21 9. On February 15, 2017, the Board issued license number PHY 55412 to Rx 911
22 Pharmacy. Respondent was the 100% owner of the pharmacy. The pharmacy license was
23 surrendered, effective January 23, 2020 (Case No. 6460). Effective January 23, 2020, pursuant to
24 a Stipulated Surrender of License and Order, Rx 911 Pharmacy voluntarily surrendered its
25 license. The cause for disciplinary action in Case No. 6460 was based on a violation of Business
26 and Professions Code section 4312, subdivisions (a) and (e), in which Rx 911 Pharmacy remained
27 closed and did not engage in the ordinary activity for which the license had been issued for at
28 least one calendar day during any 120-day period since the license was issued.

1 10. As a term of the Stipulated Surrender, Respondent was required to pay \$8,328.50 in
2 investigation and prosecution costs prior to issuance of any new license issued by the Board.
3 Additionally, Respondent was prohibited from applying for any license from the Board for three
4 years from the effective date of the decision.

5 11. On September 28, 2020, the Board received a pharmacy technician application from
6 Respondent, wherein he marked “No” to question 6 of the application which asked, “Have you
7 ever had a pharmacy license denied, suspended, revoked, place on probation or had any
8 disciplinary action taken by this or any other government authority in California or any other
9 state?” Respondent signed the application affidavit on September 22, 2020, under penalty of
10 perjury. Respondent failed to disclose his ownership of Rx 911 Pharmacy and his previous
11 disciplinary history with the Board, which prohibited him from obtaining a license for three years.
12 Instead, Respondent only disclosed his ownership of Phantastic Pharmacy in that application for a
13 Pharmacy Technician License.

14 12. On January 25, 2021, the Board issued Pharmacy Technician license number TCH
15 179793 to Respondent.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 **(Procurement of a License by Fraud or Misrepresentation)**

18 13. Respondent's application is subject to denial under section 4301, subdivision (a) in
19 that Respondent procured a Pharmacy Technician License by fraud or misrepresentation.
20 Effective January 23, 2020, Respondent, the owner of Rx 911 Pharmacy (PHY 55412) entered
21 into a Stipulated Surrender of License and Order with the Board (AC 6460). As part of this
22 agreement, Respondent was ineligible for apply for any license from the Board for three years.
23 However, on September 28, 2020, the Board received a pharmacy technician application from
24 Respondent, in which he marked “No” to a question on that application regarding prior
25 disciplinary action and failed to disclose his disciplinary history with the Board; namely, the
26 January 23, 2020, surrender of Rx 911 Pharmacy. Respondent subsequently received a Pharmacy
27 Technician License under fraudulent circumstances, based upon his failure to disclose his
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1 disciplinary history with the Board. Complainant refers to, and by this reference incorporates the
2 allegations set forth above in paragraphs 8-12 as though set forth fully herein.

3 **SECOND CAUSE FOR DENIAL OF APPLICATION**

4 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

5 14. Respondent's application is subject to denial under section 4301, subdivision (f) in
6 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
7 corruption when he procured a Pharmacy Technician License under fraudulent circumstances
8 based upon his failure to disclose his disciplinary history with the Board. Complainant refers to,
9 and by this reference incorporates the allegations set forth above in paragraphs 8-13, as though set
10 forth fully herein.

11 **THIRD CAUSE FOR DENIAL OF APPLICATION**

12 **(Knowingly Made or Signed Document That Falsely Represented the Existence or**
13 **Nonexistence of a State of Facts)**

14 15. Respondent application is subject to denial under Code sections 4301, subdivision (g)
15 and 480, subdivision (e), in that Respondent knowingly made or signed a document that falsely
16 represented the existence or nonexistence of a state of facts. Respondent signed and certified
17 under the penalty of perjury, under the laws of the State of California, that the foregoing was true
18 and correct on his application for a Pharmacy Technician License, wherein he failed to disclose
19 his disciplinary history with the Board. Complainant refers to, and by this reference incorporates
20 the allegations set forth above in paragraphs 8-13 as though set forth fully herein.

21 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

22 **(Acts Warranting Denial of Licensure)**

23 16. Respondent's application is subject to denial under sections 4301, subdivision (p) and
24 480, subdivisions (a) and (e), in that Respondent committed acts which if done by a
25 licentiate of the business and profession in question, would be grounds for suspension or
26 revocation of his license as follows:

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1 a. Respondent fraudulently procured a Pharmacy Technician License, in violation of
2 Code section 4301, subdivision (f). Complainant refers to, and by this reference incorporates, the
3 allegations set forth above in paragraphs 8-13 as though set forth fully herein.

4 b. Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
5 corruption in violation of 4301, subdivision (f), when he procured a Pharmacy Technician
6 License under fraudulent circumstances based upon his failure to disclose his disciplinary history
7 with the Board. Complainant refers to, and by this reference incorporates, the allegations set
8 forth above in paragraphs 8-13 as though set forth fully herein.

9 c. Respondent knowingly made or signed a document that falsely represented the
10 existence or nonexistence of a state of facts in connection with his application for a Pharmacy
11 Technician License, in violation of Code sections 4301, subdivision (g) and 480, subdivision (e).
12 Complainant refers to, and by this reference incorporates, the allegations set forth above in
13 paragraphs 8-13 as though set forth fully herein.

14 **PRAYER**

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

- 17 1. Denying the application of Med Shop Rx, Inc., Alek H. Torosyan,
18 CEO/CFO/SEC/DIR/SH for a Community Pharmacy License; and
19 2. Taking such other and further action as deemed necessary and proper.

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21 DATED: 4/15/2025

Sodergren,
Anne@DCA

Digitally signed by
Sodergren, Anne@DCA
Date: 2025.04.15 21:50:14
-07'00'

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

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