

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

In the Matter of the Accusation Against:

**BACON EAST PHARMACY;
LISA K. HARB, OWNER
Original Pharmacy Permit No. PHY 53596; and**

**BACON EAST PHARMACY;
LISA K. HARB, OWNER
Original Pharmacy Permit No. PHY 57144; and**

**RELIABLE REXALL SUNSET PHARMACY;
SEAN BRIAN WEEKES and WILLIAM MOSTYN STEEL, OWNERS
Original Pharmacy Permit No. PHY 54552; and**

**SEAN BRIAN WEEKES,
Original Pharmacist License No. RPH 70114,**

Respondents.

Agency Case No. 7007

OAH No. 2021090695

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 May 25, 2022.

It is so ORDERED on April 25, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is written in a cursive style with a large, sweeping initial "S".

By

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
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Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 7007

14 **BACON EAST PHARMACY;**
15 **LISA K. HARB, Owner**
2425 East Street, Suite 5
Concord, CA 95420
16 **Original Pharmacy Permit No. PHY 53596;**

OAH No. 2021090695

**STIPULATED SURRENDER OF
LICENSE AND ORDER REGARDING
RELIABLE REXALL SUNSET
PHARMACY AND SEAN BRIAN
WEEKES**

17 **BACON EAST PHARMACY**
18 **LISA K. HARB, Owner**
2485 High School Avenue, #114 & 116
Concord, CA 94520
19 **Original Pharmacy Permit No. PHY 57144;**

20 **RELIABLE REXALL SUNSET**
21 **PHARMACY; SEAN BRIAN WEEKES**
22 **and WILLIAM MOSTYN STEEL, Owners**
801 Irving Street
San Francisco, CA 94122

23 **Original Pharmacy Permit No. PHY 54552;**

24 and

25 **SEAN BRIAN WEEKES**
3303 Berta Lane
Lafayette, CA 94549

26 **Original Pharmacist License No. RPH 70114**

27 Respondents.
28

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

3 **PARTIES**

4 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
5 (Board). She brought this action solely in her official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Aspasia A. Papavassiliou, Deputy
7 Attorney General.

8 **FORMER RESPONDENTS**

9 2. On or about April 16, 2015, the Board of Pharmacy issued Original Pharmacy Permit
10 Number PHY 53596 to Bacon East Pharmacy with Lisa K. Harb as the Owner. The permit
11 expired due to a change in location on March 4, 2019, and was surrendered effective September
12 15, 2021, pursuant to a stipulated settlement in this matter.

13 3. On or about March 4, 2019, the Board of Pharmacy issued Original Pharmacy Permit
14 Number PHY 57144 to Bacon East Pharmacy with Lisa K. Harb as the Owner. The permit was
15 canceled due to a discontinuance of business on May 27, 2020, and was surrendered effective
16 September 15, 2021, pursuant to a stipulated settlement in this matter.

17 **CURRENT RESPONDENTS**

18 4. On or about July 1, 2016, the Board of Pharmacy issued Original Pharmacy Permit
19 Number PHY 54552 to Reliable Rexall Sunset Pharmacy (Respondent Reliable Rexall), with
20 Sean Brian Weekes and William Mostyn Steel as the Owners, and Sean Brian Weekes as the
21 pharmacist-in-charge (PIC). The permit was in full force and effect at all times relevant to the
22 charges brought in this Accusation and will expire on July 1, 2022, unless renewed.

23 5. On or about October 18, 2013, the Board of Pharmacy issued Original Pharmacist
24 License Number RPH 70114 to Sean Brian Weekes (Respondent Weekes). The Original
25 Pharmacist License was in full force and effect at all times relevant to the charges brought in this
26 Accusation and will expire on July 31, 2023, unless renewed.

27 6. Respondents Reliable Rexall and Weekes are represented in this proceeding by
28 attorney Jonathan G. Stein at 5050 Laguna Boulevard, Suite 112-325, Elk Grove, CA 95758.

1 **JURISDICTION**

2 7. Accusation No. 7007 was filed before the Board, and is pending against Respondents
3 Reliable Rexall and Weekes. The Accusation and all other statutorily required documents were
4 properly served on Respondents on February 5, 2021. Respondents timely filed their Notice of
5 Defense contesting the Accusation. A copy of the Accusation is attached as Exhibit A and
6 incorporated by reference.

7 **ADVISEMENT AND WAIVERS**

8 8. Respondent Weekes, individually and on behalf of Respondent Reliable Rexall, has
9 carefully read, fully discussed with counsel, and understands the charges and allegations in
10 Accusation No. 7007. Respondent also has carefully read, fully discussed with counsel, and
11 understands the effects of this Stipulated Surrender of License and Order.

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

18 10. Respondents voluntarily, knowingly, and intelligently waive and give up each and
19 every right set forth above.

20 **CULPABILITY**

21 11. Respondents admit the truth of each and every charge and allegation in Accusation
22 No. 7007, agree that cause exists for discipline, and hereby surrender their Original Pharmacy
23 Permit No. PHY 54552 and Original Pharmacist License No. RPH 70114 for the Board's formal
24 acceptance.

25 12. Respondent Weekes understands that by signing this stipulation he enables the Board
26 to issue an order accepting the surrender of his Original Pharmacy Permit and Original
27 Pharmacist License without further process.
28

CONTINGENCY

1
2 13. This stipulation shall be subject to approval by the Board. Respondents understand
3 and agree that counsel for Complainant and the staff of the Board may communicate directly with
4 the Board regarding this stipulation and surrender, without notice to or participation by
5 Respondent or its counsel. By signing the stipulation, Respondents understand and agree that
6 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the
7 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
8 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for
9 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall
10 not be disqualified from further action by having considered this matter.

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

14 15. This Stipulated Surrender of License and Order is intended by the parties to be an
15 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
16 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
17 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order
18 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing
19 executed by an authorized representative of each of the parties.

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

ORDER

22
23 IT IS HEREBY ORDERED that Original Pharmacy Permit No. PHY 54552, issued to
24 Reliable Rexall Sunset Pharmacy (Respondent Reliable Rexall), and Original Pharmacist License
25 No. 70114, issued to Sean Brian Weekes (Respondent Weekes), are surrendered and accepted by
26 the Board.

27 1. The surrender of Respondent Reliable Rexall’s Original Pharmacy Permit and
28 Respondent Weekes’ Original Pharmacist License and the acceptance of the surrendered permit

1 and license by the Board shall constitute the imposition of discipline against Respondents. This
2 stipulation constitutes a record of the discipline and shall become a part of Respondents' license
3 history with the Board. Respondents understand and agree that for purposes of Business and
4 Professions Code section 4307, this surrender shall be construed the same as revocation.

5 2. Respondent Reliable Rexall shall lose all rights and privileges as a pharmacy in
6 California, and Respondent Weekes shall lose all rights and privileges as a pharmacist in
7 California, as of the effective date of the Board's Decision and Order.

8 3. Respondents shall cause to be delivered to the Board their pocket license and, if
9 issued, their wall certificate, on or before the effective date of the Decision and Order.

10 4. If Respondents ever apply for licensure or petition for reinstatement in the State of
11 California, the Board shall treat it as a new application for licensure. Respondents must comply
12 with all the laws, regulations and procedures for licensure in effect at the time the application or
13 petition is filed, and all of the charges and allegations contained in Accusation No. 7007 shall be
14 deemed to be true, correct and admitted by Respondents when the Board determines whether to
15 grant or deny the application or petition. Respondents are required to report their surrenders as a
16 disciplinary action. For Respondent Weekes, the requirements include, but are not limited to,
17 taking and passing the California Licensure Examination prior to the issuance of a new license.

18 5. Respondents shall not apply to the Board for licensure or petition for reinstatement
19 for at least three (3) years after the effective date of the Board's Decision and Order.

20 6. Respondent Weekes shall pay the agency its costs of investigation and enforcement in
21 the amount of \$19,306.25 prior to issuance of a new or reinstated license.

22 7. If Respondents should ever apply or reapply for a new license or certification, or
23 petition for reinstatement of a license, by any other health care licensing agency in the State of
24 California, all of the charges and allegations contained in Accusation No. 7007 shall be deemed to
25 be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any
26 other proceeding seeking to deny or restrict licensure.

27 **ACCEPTANCE**

28 I have carefully read the above Stipulated Surrender of License and Order and have fully

1 discussed it with my attorney Jonathan G. Stein. I understand the stipulation and the effect it will
2 have on my Original Pharmacy Permit and Original Pharmacist License. I enter into this
3 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
4 be bound by the Decision and Order of the Board of Pharmacy.

5
6 DATED: _____
7 SEAN BRIAN WEEKES, individually and on
8 behalf of RELIABLE REXALL SUNSET
9 PHARMACY
10 Respondents

11 I have read and fully discussed with Respondent Sean Brian Weekes, in his capacity as both
12 an individual and as an owner of Respondent Reliable Rexall Sunset Pharmacy, the terms and
13 conditions and other matters contained in this Stipulated Surrender of License and Order. I
14 approve its form and content.

15 DATED: _____
16 JONATHAN G. STEIN
17 Attorney for Respondent


18 **ENDORSEMENT**

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

21
22 DATED: _____ Respectfully submitted,
23 ROB BONTA
24 Attorney General of California
25 DIANN SOKOLOFF
26 Supervising Deputy Attorney General
27 ASPASIA A. PAPAVALASSILOU
28 Deputy Attorney General
Attorneys for Complainant


1 discussed it with my attorney Jonathan G. Stein. I understand the stipulation and the effect it will
2 have on my Original Pharmacy Permit and Original Pharmacist License. I enter into this
3 Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to
4 be bound by the Decision and Order of the Board of Pharmacy.

5
6 DATED: 2/16/2022


SEAN BRIAN WEEKES, individually and on
behalf of RELIABLE REXALL SUNSET
PHARMACY
Respondents

7
8
9
10 I have read and fully discussed with Respondent Sean Brian Weekes, in his capacity as both
11 an individual and as an owner of Respondent Reliable Rexall Sunset Pharmacy, the terms and
12 conditions and other matters contained in this Stipulated Surrender of License and Order. I
13 approve its form and content.

14
15 DATED: 2/16/2022


JONATHAN G. STEIN
Attorney for Respondent

16
17
18 **ENDORSEMENT**

19 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
20 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

21
22 DATED: February 16, 2022

Respectfully submitted,

23
24
25 ROB BONTA
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General



26
27
28 Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 7007

1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 ASPASIA A. PAPAVALASSILOU
Deputy Attorney General
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 7007

13 **BACON EAST PHARMACY;**
14 **LISA K. HARB, Owner**
2425 East Street, Suite 5
Concord, CA 95420
15 **Original Pharmacy Permit No. PHY 53596;**

ACCUSATION

16 **BACON EAST PHARMACY**
17 **LISA K. HARB, Owner**
2485 High School Avenue, #114 & 116
Concord, CA 94520
18 **Original Pharmacy Permit No. PHY 57144;**

19 **RELIABLE REXALL SUNSET**
20 **PHARMACY; SEAN BRIAN WEEKES and**
21 **WILLIAM MOSTYN STEEL, Owners**
801 Irving Street
San Francisco, CA 94122
22 **Original Pharmacy Permit No. PHY 54552;**

23 and

24 **SEAN BRIAN WEEKES**
25 3303 Berta Lane
Lafayette, CA 94549
26 **Original Pharmacist License No. RPH 70114**

27 Respondents.
28

1 **PARTIES**

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

4 2. On or about April 16, 2015, the Board of Pharmacy issued Original Pharmacy Permit
5 Number PHY 53596 to Bacon East Pharmacy (Respondent Bacon East I), with Lisa K. Harb as
6 the Owner. The permit expired due to a change in location on March 4, 2019, and has not been
7 renewed.

8 3. On or about March 4, 2019, the Board of Pharmacy issued Original Pharmacy Permit
9 Number PHY 57144 to Bacon East Pharmacy (Respondent Bacon East II), with Lisa K. Harb as
10 the Owner. The permit was canceled due to a discontinuance of business on May 27, 2020, and
11 remains canceled.

12 4. On or about July 1, 2016, the Board of Pharmacy issued Original Pharmacy Permit
13 Number PHY 54552 to Reliable Rexall Sunset Pharmacy (Respondent Reliable Rexall Sunset),
14 with Sean Brian Weekes and William Mostyn Steele as the Owners. The permit was in full force
15 and effect at all times relevant to the charges brought in this Accusation and will expire on July 1,
16 2021, unless renewed.

17 5. On or about October 18, 2013, the Board of Pharmacy issued Original Pharmacist
18 License Number RPH 70114 to Sean Brian Weekes (Respondent Weekes). The Original
19 Pharmacist License was in full force and effect at all times relevant to the charges brought in this
20 Accusation and will expire on July 31, 2021, unless renewed.

21 6. Respondent Weekes was Pharmacist-in-Charge (PIC) of Respondent Bacon East I
22 from April 16, 2015, to March 4, 2019, and of Bacon East II from March 4, 2019, to March 24,
23 2020. In addition, Respondent Weekes has been PIC of Respondent Reliable Rexall Sunset since
24 July 1, 2016.

25 **JURISDICTION**

26 7. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code (Code) unless otherwise indicated.

1 (2) Where the license is denied or revoked, the prohibition shall continue until
2 the license is issued or reinstated.

3 (b) “Manager, administrator, owner, member, officer, director, associate,
4 partner, or any other person with management or control of a license” as used in this
5 section and Section 4308, may refer to a pharmacist or to any other person who serves
6 in such capacity in or for a licensee.

7 (c) The provisions of subdivision (a) may be alleged in any pleading filed
8 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
9 the Government Code. However, no order may be issued in that case except as to a
10 person who is named in the caption, as to whom the pleading alleges the applicability
11 of this section, and where the person has been given notice of the proceeding as
12 required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of
13 the Government Code. The authority to proceed as provided by this subdivision
14 shall be in addition to the board's authority to proceed under Section 4339 or any
15 other provision of law.

16 12. Section 4081, subdivision (a) of the Code states:

17 All records of manufacture and of sale, acquisition, or disposition of dangerous
18 drugs or dangerous devices shall be at all times during business hours open to
19 inspection by authorized officers of the law, and shall be preserved for at least three
20 years from the date of making. A current inventory shall be kept by every
21 manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician,
22 dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or
23 establishment holding a currently valid and unrevoked certificate, license, permit,
24 registration, or exemption under Division 2 (commencing with Section 1200) of the
25 Health and Safety Code or under Part 4 (commencing with Section 16000) of
26 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
27 drugs or dangerous devices.

17 **REGULATORY PROVISIONS**

18 13. California Code of Regulations, title 16, section 1714, subdivision (b), states:

19 Each pharmacy licensed by the board shall maintain its facilities, space,
20 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
21 secured and distributed. The pharmacy shall be of sufficient size and unobstructed
22 area to accommodate the safe practice of pharmacy.

23 14. California Code of Regulations, title 16, section 1718, states:

24 “Current Inventory” as used in Sections 4081 and 4332 of the Business and
25 Professions Code shall be considered to include complete accountability for all
26 dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

27 The controlled substances inventories required by Title 21, CFR, Section 1304
28 shall be available for inspection upon request for at least 3 years after the date of the
inventory.

1 **COST RECOVERY**

2 15. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS**

7 16. Invega is a brand name of paliperidone palmitate, an antipsychotic medication that is
8 a dangerous drug under Code section 4022.

9 17. Abilify is a brand name of aripiprazole, an antipsychotic medication that is a
10 dangerous drug under Code section 4022.

11 18. Suboxone is a brand name of buprenorphine/naloxone, an opioid agonist/antagonist
12 medication that is a dangerous drug dangerous drug under Code section 4022 and a Schedule III
13 controlled substance under Health and Safety Code section 11056.

14 19. Truvada is a brand name of emtricitabine/tenofovir disoproxil fumarate, an antiviral
15 medication that is a dangerous drug under Code section 4022.

16 20. Nexium is a brand name of esomeprazole, a medication used to treat
17 gastroesophageal disease, and is a dangerous drug under Code section 4022.

18 21. Flovent is a brand name of fluticasone, a medication used to treat asthma, and is a
19 dangerous drug under Code section 4022.

20 **FACTUAL ALLEGATIONS**

21 22. On or about March 27, 2020, an attorney for Respondent Bacon East II notified the
22 Board that Respondent Weekes had been terminated on suspicion of diverting dangerous drugs.
23 The subsequent Board investigation revealed that Respondents Bacon East I and Bacon East II
24 purchased large amounts of expensive drugs that they did not dispense, while Respondent
25 Reliable Rexall Sunset, which was half-owned by Respondent Weekes, dispensed more of those
26 same drugs than purchased. Respondents were unable to account for the overage or underage
27 except Respondents Bacon East I and Bacon East II alleged that Respondent Weekes diverted
28 drugs from Bacon East Pharmacy in order to sell at Reliable Rexall Sunset Pharmacy.

1 23. A Board verification audit of acquisition and disposition records of Respondents
2 Bacon East I and Bacon East II for the period of January 1, 2019, to March 18, 2020, failed to
3 account for an overage of 244 tablets of buprenorphine/naloxone 8mg/2mg tablets. The audit also
4 showed a shortage of the following drugs: 29 Invega Sustenna 234mg/1.5ml syringes; 16 Abilify
5 Maintena 400mg syringes; 330 Truvada 200/300mg tablets; 9 Invega Sustenna 117mg/.75ml
6 syringes; 9 Abilify Maintena 300mg syringes; and 7 Invega Sustenna 78mg/0.5ml syringes.
7 Respondents Bacon East I and Bacon East II purchased more of these drugs than they sold yet the
8 drugs could not be found in the pharmacy inventory. The estimated loss of the missing drugs was
9 \$155,561.87.

10 24. A subsequent Board audit of Respondent Reliable Rexall Sunset for the period from
11 May 20, 2017, to May 20, 2020, revealed the loss of 270 buprenorphine/naloxone 8mg/2mg
12 tablets but an overage of the following dangerous drugs: 60 Invega Sustenna 234mg/L5ml
13 syringes; 42 Abilify Maintena 400mg syringes; 4,105 Truvada 200/300mg tablets; 24 Invega
14 Sustenna 117mg/.75ml syringes; 19 Abilify Maintena 300mg syringes and 12 Invega Sustenna
15 78mg/0.5ml syringes.

FIRST CAUSE FOR DISCIPLINE

(Records of Dangerous Drugs; Maintenance of Records)

16
17
18 25. Respondents Bacon East I, Bacon East II, and Reliable Rexall Sunset have subjected
19 their pharmacy permits to discipline and Respondent Weekes has subjected his pharmacist permit
20 to discipline for unprofessional conduct under Code 4301, subdivisions (j) and (o), in that they
21 violated a law regarding dangerous drugs and a law or regulation regarding the practice of
22 pharmacy. Specifically, Respondents violated section 4081, subdivision (a), and California Code
23 of Regulations, title 16, section 1718, regarding maintenance of records regarding dangerous
24 drugs. As set forth in paragraphs 22-24, above, Respondents' records failed to account for a loss
25 of dangerous drugs or the overage of other dangerous drugs.
26
27
28

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Operational Standards and Security)**

3 26. Respondents Bacon East I, Bacon East II, and Reliable Rexall Sunset have subjected
4 their pharmacy permits to discipline and Respondent Weekes has subjected his pharmacist license
5 to discipline for unprofessional conduct under Code section 4301, subdivision (o), in that they
6 violated a regulation regarding pharmacy practice. Specifically, Respondents violated California
7 Code of Regulations, title 16, section 1718, regarding operational standards and security. As set
8 forth in paragraphs 22-24 above, Respondents failed to maintain the security of their dangerous
9 drugs inventory.

10 **DISCIPLINARY CONSIDERATIONS**

11 27. Complainant further alleges, as disciplinary considerations, that Respondent Bacon
12 East I and Respondent Weekes were subject prior disciplinary and administrative actions, as
13 described below.

14 **Public Reprovals**

15 28. Effective July 13, 2017, following adoption of stipulated settlements in resolution of
16 the Accusation in Case No. 5890, Respondent Bacon East I and Respondent Weekes were
17 publicly reprovved. The accusation alleged that a phenylephrine solution nasal spray compounded
18 by Respondents on September 22, 2015, was contaminated with the bacteria *Serratia marcescens*,
19 and that Respondents were subject to discipline for using expired ingredients, failing to maintain
20 operational standards, and misbranding the compounded drug with a 180-day expiration date
21 instead of a 30-day expiration date.

22 **Citations**

23 29. On or about April 3, 2018, the Board issued Citation No. CI 2016 74694 to
24 Respondent Bacon East I and Citation No. CI 2017 7936 to Respondent Weekes. Those citations
25 are final and alleged that from April 27, 2015, to November 10, 2015, Respondents'
26 compounding logs were incomplete regarding three prescriptions for progesterone suppositories,
27 in that the logs were missing manufacturer, lot, and expiration date for the polyethylene used to
28 compound the drugs.

OTHER MATTERS

1
2 30. Under Code section 4307, if discipline is imposed on Original Pharmacy Permit
3 Numbers PHY 53596 or 57144 issued to Bacon East Pharmacy, then Bacon East Pharmacy shall
4 be prohibited from serving as a manager, administrator, owner, member, officer, director,
5 associate, or partner of a licensee for up to five years if the permit is placed on probation or until
6 the permit is reinstated if it is revoked.

7 30. Under Code section 4307, if discipline is imposed on Original Pharmacy Permit
8 Number 54552 issued to Reliable Rexall Sunset Pharmacy, then Reliable Rexall Sunset Pharmacy
9 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
10 associate, or partner of a licensee for up to five years if the permit is placed on probation or until
11 the permit is reinstated if it is revoked.

12 31. Under Code section 4307, if discipline is imposed on Original Pharmacy Permit
13 Numbers PHY 53596 or 57144, issued to Bacon East Pharmacy, and Lisa K. Harb was an owner
14 and had knowledge of or knowingly participated in any conduct for which the licensee was
15 disciplined, then Lisa K. Harb shall be prohibited from serving as a manager, administrator,
16 owner, member, officer, director, associate, or partner of a licensee for up to five years if the
17 permit is placed on probation or until the permit is reinstated if it is revoked.

18 31. Under Code section 4307, if discipline is imposed on Original Pharmacy Permit
19 Number 54552, issued to Respondent Reliable Rexall Sunset Pharmacy, and William Mostyn
20 Steel was an owner and had knowledge of or knowingly participated in any conduct for which the
21 licensee was disciplined, then William Mostyn Steel shall be prohibited from serving as a
22 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for up
23 to five years if the permit is placed on probation or until the permit is reinstated if it is revoked.

24 31. Under Code section 4307, if discipline is imposed on Original Pharmacy Permit
25 Number 54522, issued to Respondent Reliable Rexall Sunset Pharmacy, and Sean Brian Weekes
26 was an owner and had knowledge of or knowingly participated in any conduct for which the
27 licensee was disciplined, then Sean Brian Weekes shall be prohibited from serving as a manager,
28

1 administrator, owner, member, officer, director, associate, or partner of a licensee for up to five
2 years if the permit is placed on probation or until the permit is reinstated if it is revoked.

3 33. Pursuant to section 4307 of the Code, if discipline is imposed on Original Pharmacist
4 License Number 70114 issued to Sean Brian Weekes, then Sean Brian Weekes shall be prohibited
5 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
6 of a licensee for up to five years if the pharmacist license is placed on probation or until the
7 pharmacist license is reinstated if it is revoked.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
10 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

11 1. Revoking or suspending Original Pharmacy Permit Number PHY 53596, issued to
12 Bacon East Pharmacy;

13 2. Revoking or suspending Original Pharmacy Permit Number PHY 57144, issued to
14 Bacon East Pharmacy;

15 3. Revoking or suspending Original Pharmacy Permit Number PHY 54552, issued to
16 Reliable Rexall Sunset Pharmacy;

17 4. Revoking or suspending Original Pharmacist License Number RPH 70114, issued to
18 Sean Brian Weekes;

19 5. Prohibiting Bacon East Pharmacy from serving as a manager, administrator, owner,
20 member, officer, director, associate, or partner of a licensee for up to five years if its Original
21 Pharmacy Permit Number PHY 53596 or PHY 57244 is placed on probation or until the permit is
22 reinstated if it is revoked;

23 6. Prohibiting Lisa K. Harb from serving as a manager, administrator, owner, member,
24 officer, director, associate, or partner of a licensee for up to five years if Original Pharmacy
25 Permit Number PHY 53596 or PHY 57244 is placed on probation or until the permit is reinstated
26 if it is revoked.

27 7. Prohibiting Reliable Rexall Sunset Pharmacy from serving as a manager,
28 administrator, owner, member, officer, director, associate, or partner of a licensee for up to five

1 years if its Original Pharmacy Permit Number PHY 54552 is placed on probation or until the
2 permit is reinstated if it is revoked;

3 8. Prohibiting William Mostyn Steel from serving as a manager, administrator, owner,
4 member, officer, director, associate, or partner of a licensee for up to five years if Original
5 Pharmacy Permit Number PHY 54552 is placed on probation or until the permit is reinstated if
6 revoked;

7 9. Prohibiting Sean Brian Weekes from serving as a manager, administrator, owner,
8 member, officer, director, associate, or partner of a licensee for up to five years if Original
9 Pharmacy Permit Number PHY 54552 is placed on probation or until the permit is reinstated if
10 revoked;

11 10. Prohibiting Sean Brian Weekes from serving as a manager, administrator, owner,
12 member, officer, director, associate, or partner of a licensee for up to five years if his Original
13 Pharmacist License number RPH 70114 is placed on probation or until the license is reinstated if
14 revoked;

15 11. Ordering Bacon East Pharmacy, Reliable Rexall Sunset Pharmacy and Sean Brian
16 Weekes to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
17 of this case, pursuant to Business and Professions Code section 125.3; and,

18 12. Taking such other and further action as deemed necessary and proper.

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21 DATED: 1/31/2021

Signature on File

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

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