

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

In the Matter of the Accusation Against:

**RAZI PHARMACY, INC., dba
RAZI SPECIALTY PHARMACY, INC.,
Pharmacy Permit No. PHY 50295,**

and

**KAMBIZ GHOJEHVAND,
Original Pharmacist License No. RPH 55614,**

Respondents.

Agency Case No. 7032

DECISION AND ORDER

The attached Stipulated Surrender of License 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 February 2, 2022.

It is so ORDERED on January 3, 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".

Seung W. Oh, Pharm.D.
Board President

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9441
7 Facsimile: (619) 645-2061
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. 7032

14 **RAZI PHARMACY, INC.,**
15 **DBA RAZI SPECIALTY PHARMACY, INC.**
16 **23162 Los Alisos Blvd Suite-#102A**
Mission Viejo, CA 92691

STIPULATED SURRENDER OF
LICENSE AND ORDER

17 **Pharmacy Permit No. PHY 50295,**

18 **and**

19 **KAMBIZ GHOJEHVAND,**
20 **23162 Los Alisos Blvd Suite-#102A**
Mission Viejo, CA 92691

21 **Original Pharmacist License No. RPH 55614**

22 Respondents.

23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Rob Bonta, Attorney General of the State of California, by Nicole R. Trama, Deputy Attorney
2 General.

3 2. Respondent Razi Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc. (Respondent
4 Razi Pharmacy) and Respondent Kambiz Ghojehvand (Respondent Ghojehvand) are represented
5 in this proceeding by attorney Kathleen W. Nichols, whose address is: 2424 S.E. Bristol, Ste. 300
6 Newport Beach, CA 92660.

7 3. On or about June 17, 2010, the Board issued Pharmacy Permit No. PHY 50295 to
8 Respondent Razi Pharmacy. The Pharmacy Permit Number expired on May 9, 2019, and has not
9 been renewed.

10 4. On or about July 8, 2004, the Board of Pharmacy issued Original Pharmacist License
11 Number RPH 55614 to Respondent Ghojehvand. The Original Pharmacist License will expire on
12 December 31, 2021, unless renewed.

13 **JURISDICTION**

14 5. Accusation No. 7032 was filed before the Board, and is currently pending against
15 Respondents. The Accusation and all other statutorily required documents were properly served
16 on Respondents on May 13, 2021. Respondents timely filed their Notice of Defense contesting
17 the Accusation.

18 6. A copy of Accusation No. 7032 is attached as exhibit A and incorporated herein by
19 reference.

20 **ADVISEMENT AND WAIVERS**

21 7. Respondents have carefully read, fully discussed with counsel, and understand the
22 charges and allegations in Accusation No. 7032. Respondents have also carefully read, fully
23 discussed with counsel, and understand the effects of this Stipulated Surrender of License and
24 Order.

25 8. Respondents are fully aware of their legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
27 the witnesses against them; the right to present evidence and to testify on their own behalf; the
28 right to the issuance of subpoenas to compel the attendance of witnesses and the production of

1 documents; the right to reconsideration and court review of an adverse Decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 9. Respondents voluntarily, knowingly, and intelligently waive and give up each and
4 every right set forth above.

5 **CULPABILITY**

6 10. Respondents understand that the charges and allegations in Accusation No. 7032, if
7 proven at a hearing, constitute cause for imposing discipline upon Pharmacy Permit Number PHY
8 50295 and Original Pharmacist License Number RPH 55614.

9 11. For the purpose of resolving the Accusation without the expense and uncertainty of
10 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual
11 basis for the charges in the Accusation and that those charges constitute cause for discipline.
12 Respondents hereby give up their right to contest that cause for discipline exists based on those
13 charges.

14 12. Respondents understand that by signing this stipulation, it enables the Board to issue
15 an order accepting the surrender of Pharmacy Permit Number PHY 50295 and Original
16 Pharmacist License Number RPH 55614 without further process.

17 **CONTINGENCY**

18 13. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
19 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
20 communicate directly with the Board regarding this stipulation and settlement, without notice to
21 or participation by Respondents or their counsel. By signing the stipulation, Respondents
22 understand and agree that they may not withdraw their agreement or seek to rescind the
23 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
24 stipulation as its Decision and Order, the Stipulated Surrender of License and Order shall be of no
25 force or effect, except for this paragraph, it shall be inadmissible in any legal action between the
26 parties, and the Board shall not be disqualified from further action by having considered this
27 matter.

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I have read and fully discussed with Respondents the terms and conditions and other matters contained in the above Stipulated Surrender of License and Order. I approve its form and content.

DATED: _____
KATHLEEN W. NICHOLS
Attorney for Respondents

ENDORSEMENT

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


DATED: _____

Respectfully submitted,
ROB BONTA
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

1 I have read and fully discussed with Respondents the terms and conditions and other
2 matters contained in the above Stipulated Surrender of License and Order. I approve its form and
3 content.

4 DATED: 11/30/2021


KATHLEEN W. NICHOLS
Attorney for Respondents

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7
8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
10 for consideration by the Board of Pharmacy.

11 DATED: 12/1/2021

Respectfully submitted,

12
13 ROB BONTA
Attorney General of California
14 GREGORY J. SALUTE
Supervising Deputy Attorney General

15 *Nicole R. Trama*

16 NICOLE R. TRAMA
17 Deputy Attorney General
Attorneys for Complainant
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Exhibit A

Accusation No. 7032

1 XAVIER BECERRA
Attorney General of California
2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
4 State Bar No. 263607
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9441
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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9 **BEFORE THE**
10 **BOARD OF PHARMACY**
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12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

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14 **RAZI PHARMACY, INC., DBA RAZI**
15 **SPECIALTY PHARMACY, INC.**
16 **23162 Los Alisos Blvd Suite-#102A**
17 **Mission Viejo, CA 92691**

ACCUSATION

18 **Pharmacy Permit Number No. PHY 50295,**

19 **and**

20 **KAMBIZ GHOJEHVAND,**
21 **23162 Los Alisos Blvd Suite-#102A**
22 **Mission Viejo, CA 92691**

23 **Original Pharmacist License No. 55614**

24 Respondents.

25 **PARTIES**

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

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STATUTORY PROVISIONS

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9. Section 4081 of the Code states in part:

(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party logistics provider, pharmacy, veterinary food-animal drug retailer, outsourcing facility, physician, dentist, podiatrist, veterinarian, laboratory, licensed correctional clinic, as defined in Section 4187 , clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge, responsible manager, or designated representative-in-charge, for maintaining the records and inventory described in this section.

....

10. Section 4105 of the Code states in part:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

(b) The licensee may remove the original records or documentation from the licensed premises on a temporary basis for license-related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises.

(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

....

11. Section 4113, subdivision (c) of the Code states:

The pharmacist-in-charge shall be responsible for a pharmacy’s compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

12. Section 4301 of the Code 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 shall include, but is not limited to, any of the following:

...

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

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

...

(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.

...

13. Section 4307, subdivision (a) of the Code states that:

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, or partner of any partnership, corporation, 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 manger, administrator, owner, member, officer, director, associate, or partner had knowledge 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 manger, administrator, owner, member, officer, director, associate, or partner 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.

14. Section 4332 of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

1 **REGULATORY PROVISIONS**

2 15. California Code of Regulations, title 16, section 1718 states:
3 "Current Inventory" as used in Sections 4081 and 4332 of the Business and
4 Professions Code shall be considered to include complete accountability for all
dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

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

7 **COST RECOVERY**

8 16. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
9 administrative law judge to direct a licensee found to have committed a violation or violations of
10 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
11 enforcement of the case.

12 **DRUGS**

13 17. Voltaren 1% Gel, a brand name of the generic diclofenac sodium 1% gel, is a
14 dangerous drug pursuant to Business and Professions Code section 4022.

15 18. Restasis 0.05% Eye Emulsion, a brand name of the generic for cyclosporine
16 ophthalmic emulsion, is a dangerous drug pursuant to Business and Professions Code section
17 4022.

18 19. Lantus Solostar 100 Unit/MI, a brand name of the generic for insulin glargine, is a
19 dangerous drug pursuant to Business and Professions Code section 4022.

20 20. Vascepa 1 Gm Capsule, a brand name of the generic for icosapent ethyl, is a
21 dangerous drug pursuant to Business and Professions Code section 4022.

22 **FACTUAL ALLEGATIONS- January 1, 2017 - June 1, 2019 Audit**

23 21. Respondent Ghojevand was the CEO of Respondent Razi Pharmacy (collectively
24 "Respondents") from April 19, 2012 to May 9, 2020. Respondent Ghojevand was the Pharmacist
25 in Charge of Respondent Razi Pharmacy from September 1, 2011 to May 9, 2020. The Board
26 conducted an investigation following the receipt of an anonymous complaint. As part of the
27 investigation, the Board inspector reviewed Respondent Razi Pharmacy's records of acquisition
28 and disposition.

22. The investigation revealed that Respondents did not maintain accurate records for the disposed medications as evidenced by overages. Respondent did not maintain a current inventory. An audit for the period of January 1, 2017 through June 1, 2019 of Respondent Razi Pharmacy revealed overages of the following medications:

Medication	Units	Variance
Diclofenac Sodium 1% Gel	Grams	84,820
Restasis 0.05% Eye Emulsion	Vials	36,570
Restasis 0.05% Multidose	Mls	385
Voltaren 1% Gel	Grams	45,600
Lantus Solostar 100 Unit/MI	Mls	3,312
Vascepa 1 Gm	Capsules	24,660

23. In addition, during the course of the investigation, Respondents provided false statements to the Board regarding Respondent Razi Pharmacy's closure and the reasons for not being able to provide its disposition records in a timely manner.

FIRST CAUSE FOR DISCIPLINE

(Failure to Keep Records of Acquisition and Disposition)

24. Respondents are subject to disciplinary action under Code sections 4301, subdivision (o), for violating Business and Professions Code sections 4081, subdivision (a) and 4105, subdivisions (a) and (c), for failing to maintain all records of acquisition and disposition of dangerous drugs and failure to maintain lack of accurate records, as set forth in paragraphs 21 through 23 above, which are incorporated herein by reference.

SECOND CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory)

25. Respondents are subject to disciplinary action under Code sections 4301, subdivision (o), for violating Business and Professions Code section 4081, subdivision (a) for failing to

1 maintain a current inventory as defined in California Code of Regulations, title 16, section 1718,
2 as set forth in paragraphs 21 through 23 above, which are incorporated herein by reference.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Knowingly Making a Document that Falsely Represents a State of Facts & Providing False**
5 **Statements to the Board)**

6 26. Respondents are subject to disciplinary action under Code section 4301, subdivision
7 (f) and (g), for knowingly making or signing any certificate or document that falsely represents
8 the existence or nonexistence of a state of facts and for making false statements to the Board, as
9 set forth in paragraphs 21 through 23 above, which are incorporated herein by reference.

10 **FACTUAL ALLEGATIONS- CONSUMER COMPLAINT**

11 27. The Board conducted an investigation following the receipt of a consumer complaint
12 from P.D. that Respondent Razi Pharmacy refused to reverse her prescription insurance claims in
13 order to be transferred and dispensed at another pharmacy. During the course of the
14 investigation, Respondents provided conflicting statements and dispensing records to the Board.
15 In addition, the investigation revealed that Respondents billed P.D.'s insurance for prescriptions
16 that she did not receive as follows:

RX Number	Fill Date	Drug Name	Dispensing Quantity
278752	3/2/2019	Triamcinolone 0.1% cream	30
282673	3/28/2019	Simvastatin 10 mg tablet	30
277936	3/28/2019	Alprazolam 0.25 mg tablet	30
266789	3/28/2019	Bystolic 5 mg tablet	30
278752	3/28/2019	Triamcinolone 0.1% cream	30
243644	3/28/2019	Ibandronate Sodium 150 mg tablet	1
229316	3/28/2019	Vitamin D3, 2,000 unit tablet	30
259455	3/28/2019	Nizatidine 150 mg capsule	60
257333	3/28/2019	Vascepa 1 GM capsule	30

229317	3/28/2019	Oys Shell Cal-Vit D 500-200 Tb	60
228966	3/28/2019	Escitalopram 10 Mg tablet	30
250263	4/7/2019	Estrace 0.01% cream	43
282671	4/7/2019	Eliquis 2.5 mg tablet	60
286407	4/17/2019	Bystolic 5 mg tablet	90
286394	4/17/2019	Vitamin D3, 2,000 unit tablet	90
286395	4/17/2019	Oys Shell Cal-Vit D 500-200 Tb	120
286397	4/17/2019	Escitalopram 10 mg tablet	90
287017	4/19/2019	Nizatidine 150 mg capsule	60

FOURTH CAUSE FOR DISCIPLINE

(Knowingly Making a Document that Falsely Represents a State of Facts & Providing False Records to the Board)

28. Respondents are subject to disciplinary action under Code section 4301, subdivision (f) and (g), for knowingly making or signing any certificate or document that falsely represents the existence or nonexistence of a state of facts and providing false records to the Board, as set forth in paragraph 27 above, which are incorporated herein by reference.

OTHER MATTERS

29. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 50295, issued to Razi Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc., Respondent Razi Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 50295, issued to Razi Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc. is reinstated if it is revoked.

30. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 50295, issued to Razi Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc., while Respondent Ghojevand has been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Respondent Ghojevand shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a

1 licensee for five years if Pharmacy Permit Number PHY 50295, issued to Razi Pharmacy, Inc.,
2 dba Razi Specialty Pharmacy, Inc is reinstated if it is revoked.

3 31. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License
4 Number RPH 55614, issued to Kambiz Ghojevand, Respondent Ghojevand shall be prohibited
5 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
6 of a licensee for five years if Pharmacist License Number RPH 55614 is placed on probation or
7 until Pharmacist License Number RPH 55614 is reinstated if it is revoked.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Permit Number PHY 50295, issued to Razi
12 Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc.;
- 13 2. Revoking or suspending Original Pharmacist License Number 55614, issued to
14 Kambiz Ghojevand;
- 15 3. Prohibiting Razi Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc. from servicing as
16 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
17 five years if Pharmacy Permit Number PHY 50295 is placed on probation or until Pharmacy
18 Permit Number PHY 50295 is reinstated if Pharmacy Permit Number PHY 50295 issued to Razi
19 Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc. is revoked;
- 20 4. Prohibiting Kambiz Ghojevand from serving as a manager, administrator, owner,
21 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
22 Number PHY 50295 is placed on probation or until Pharmacy Permit Number PHY 50295 is
23 reinstated if Pharmacy Permit Number PHY 50295 issued to Razi Pharmacy, Inc., dba Razi
24 Specialty Pharmacy, Inc., is revoked;
- 25 5. Prohibiting Kambiz Ghojevand from serving as a manager, administrator, owner,
26 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
27 Number RPH 55614 is placed on probation or until Pharmacist License Number RPH 55614 is
28 reinstated if Pharmacist License Number RPH 55614 issued to Kambiz Ghojevand is revoked;

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6. Ordering Razi Pharmacy, Inc., dba Razi Specialty Pharmacy, Inc. and Kambiz
Ghojehvand 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,

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

DATED: 5/4/2021 _____

Signature on File

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

SD2020801186