

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

**In the Matter of the First Amended Accusation Against:**

**PASEO RX. INC. DBA ARARAT PHARMACY, DANIEL FENG,  
KATHERINE FENG, SULYN CHEE,**

**Permit No. PHY 49984,**

**PASEO RX. INC. DBA ARARAT PHARMACY, DANIEL FENG,  
KATHERINE FENG, SULYNN CHEE,**

**Permit No. PHY 54471,**

**and**

**DANIEL FENG,**

**Pharmacist License No. RPH 54152,**

**Respondents.**

**Agency Case No. 7121**

## 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 July 16, 2022.

It is so ORDERED on June 16, 2022.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

A handwritten signature in black ink, appearing to read "Seung W. Oh". The signature is fluid and cursive, with the first name "Seung" and last name "Oh" clearly visible.

Seung W. Oh, Pharm.D.  
Board President

1 ROB BONTA  
Attorney General of California  
2 KIM KASRELIOVICH  
Supervising Deputy Attorney General  
3 VINODHINI RAMAGOPAL  
Deputy Attorney General  
4 State Bar No. 240534  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6270  
6 Facsimile: (916) 731-2126  
*Attorneys for Complainant*  
7

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

12 In the Matter of the Accusation Against:

Case No. 7121

13 **PASEO RX. INC. DBA ARARAT**  
14 **PHARMACY, DANIEL FENG,**  
15 **KATHERINE FENG, SULYNN CHEE**  
16 **2611 E. Washington Blvd**  
17 **Pasadena, CA 91107**

18 **Permit No. PHY 49984,**

19 **PASEO RX. INC. DBA ARARAT**  
20 **PHARMACY, DANIEL FENG,**  
21 **KATHERINE FENG, SULYNN CHEE**  
22 **1717 E. Walnut St.**  
23 **Pasadena, CA 91106**

24 **Permit No. PHY 54471,**

25 **and**

26 **DANIEL FENG**  
27 **781 Starlight Heights Dr.**  
28 **La Canada, CA 91011**

**Pharmacist License No. RPH 54152,**

Respondents.

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER AS TO PASEO**  
**RX. INC. DBA ARARAT PHARMACY,**  
**DANIEL FENG, KATHERINE FENG,**  
**SULYNN CHEE (PERMIT NOS. PHY**  
**49984 AND 54471)**

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 Vinodhini Ramagopal, Deputy  
7 Attorney General.

8 2. Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee  
9 (Respondent) is represented in this proceeding by attorney Herbert L. Weinberg, Esq., whose  
10 address is: 1990 South Bundy Drive, Suite 777, Los Angeles, CA 90025.

11 3. On or about September 27, 2009, the Board of Pharmacy issued Permit Number PHY  
12 49984 to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee. The  
13 Permit expired on February 16, 2017, and has not been renewed.

14 4. On or about February 16, 2017, the Board of Pharmacy issued Permit Number PHY  
15 54471 to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee. The  
16 Permit expired on February 1, 2021, and has not been renewed.

17 **JURISDICTION**

18 5. Accusation No. 7121 was filed before the Board, and is currently pending against  
19 Respondent. The Accusation and all other statutorily required documents were properly served  
20 on Respondent on June 16, 2021. Respondent timely filed its Notice of Defense contesting the  
21 Accusation. A copy of Accusation No. 7121 is attached as Exhibit A and incorporated by  
22 reference.

23 **ADVISEMENT AND WAIVERS**

24 6. Respondent has carefully read, fully discussed with counsel, and understands the  
25 charges and allegations in Accusation No. 7121. Respondent also has carefully read, fully  
26 discussed with counsel, and understands the effects of this Stipulated Surrender of License and  
27 Order.

28 ///

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

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

9. Respondent understands that the charges and allegations in Accusation No. 7121, if proven at a hearing, constitute cause for imposing discipline upon its Permit.

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

11. Respondent understands that by signing this stipulation Entity enables the Board to issue an order accepting the surrender of their Permit without further process.

## CONTINGENCY

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

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

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

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

## ORDER

IT IS HEREBY ORDERED that Permit Nos. PHY 49984 and PHY 54471, issued to Respondent Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee, are surrendered and accepted by the Board.

1. The surrender of Respondent's Permits and the acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board. Respondent understands and agrees that for purposes of Business and Professions Code section 4307, this surrender shall be construed the same as revocation.

2. Respondent shall lose all rights and privileges as a Pharmacy in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board its pocket licenses and, if one was issued, its wall certificates on or before the effective date of the Decision and Order. Respondent shall relinquish the premises wall license and renewal license to the Board within ten (10) days of the effective date of this decision.

4. If they ever applies for licensure or petitions for reinstatement in the State of California, the Board shall treat it as a new application for licensure. Respondent must comply

1 with all the laws, regulations and procedures for licensure in effect at the time the application or  
2 petition is filed, and all of the charges and allegations contained in Accusation No. 7121 shall be  
3 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
4 grant or deny the application or petition. Respondent may not petition for any license, permit, or  
5 registration from the Board for three years from the effective date of this decision.

6 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
7 amount of \$12,297.07 prior to issuance of a new or reinstated license.

8 6. If Respondent should ever apply or reapply for a new license or certification, or  
9 petition for reinstatement of a license, by any other health care licensing agency in the State of  
10 California, all of the charges and allegations contained in Accusation, No. 7121 shall be deemed  
11 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
12 other proceeding seeking to deny or restrict licensure.

13  
14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Surrender of License and Order and have fully  
16 discussed it with my attorney Herbert L. Weinberg, Esq. I understand the stipulation and the  
17 effect it will have on my Permits. I enter into this Stipulated Surrender of License and Order  
18 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
19 Board of Pharmacy.

20  
21 DATED: \_\_\_\_\_

\_\_\_\_\_  
PASEO RX. INC. DBA ARARAT  
PHARMACY, DANIEL FENG,  
KATHERINE FENG, SULYNN CHEE  
*Respondent*

22  
23  
24  
25 ///

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1 with all the laws, regulations and procedures for licensure in effect at the time the application or  
2 petition is filed, and all of the charges and allegations contained in Accusation No. 7121 shall be  
3 deemed to be true, correct and admitted by Respondent when the Board determines whether to  
4 grant or deny the application or petition. Respondent may not petition for any license, permit, or  
5 registration from the Board for three years from the effective date of this decision.

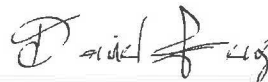
6 5. Respondent shall pay the agency its costs of investigation and enforcement in the  
7 amount of \$12,297.07 prior to issuance of a new or reinstated license.

8 6. If Respondent should ever apply or reapply for a new license or certification, or  
9 petition for reinstatement of a license, by any other health care licensing agency in the State of  
10 California, all of the charges and allegations contained in Accusation, No. 7121 shall be deemed  
11 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
12 other proceeding seeking to deny or restrict licensure.

13  
14 ACCEPTANCE

15 I have carefully read the above Stipulated Surrender of License and Order and have fully  
16 discussed it with my attorney Herbert L. Weinberg, Esq. I understand the stipulation and the  
17 effect it will have on my Permits. I enter into this Stipulated Surrender of License and Order  
18 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
19 Board of Pharmacy.

20  
21 DATED: 03/23/2022



22 PASEO RX. INC. DBA ARARAT  
23 PHARMACY, DANIEL FENG,  
24 KATHERINE FENG, SULYNN CHEE  
25 *Respondent*

26 ///

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28 ///

1 I have read and fully discussed with Respondent Paseo Rx. Inc. dba Ararat Pharmacy,  
2 Daniel Feng, Katherine Feng, Sulynn Chee the terms and conditions and other matters contained  
3 in this Stipulated Surrender of License and Order. I approve its form and content.  
4

5 DATED: \_\_\_\_\_ HERBERT L. WEINBERG, ESQ.  
6 *Attorney for Respondent*  
7

8 **ENDORSEMENT**

9 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
10 for consideration by the Board of Pharmacy of the Department of Consumer Affairs.  
11

12 DATED: \_\_\_\_\_ Respectfully submitted,  
13 ROB BONTA  
14 Attorney General of California  
15 KIM KASRELIOVICH  
16 Supervising Deputy Attorney General

17 VINODHINI RAMAGOPAL  
18 Deputy Attorney General  
19 *Attorneys for Complainant*

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1 I have read and fully discussed with Respondent Paseo Rx. Inc. dba Ararat Pharmacy,  
2 Daniel Feng, Katherine Feng, Sulynn Chee the terms and conditions and other matters contained  
3 in this Stipulated Surrender of License and Order. I approve its form and content.

4  
5 DATED: 3/23/2022

  
HERBERT L. WEINBERG, ESQ.  
*Attorney for Respondent*

7  
8 **ENDORSEMENT**

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

11  
12 DATED: March 23, 2022

Respectfully submitted,

13 ROB BONTA  
14 Attorney General of California  
15 KIM KASRELIOVICH  
16 Supervising Deputy Attorney General

  
17 VINODHINI RAMAGOPAL  
18 Deputy Attorney General  
19 *Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 7121**

1 ROB BONTA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHAWN P. COOK  
Supervising Deputy Attorney General  
4 VINODHINI RAMAGOPAL  
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7 Facsimile: (916) 731-2126  
*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. 7121

14 **PASEO RX. INC. DBA ARARAT**  
15 **PHARMACY, DANIEL FENG,**  
16 **KATHERINE FENG, SULYNN CHEE**  
2611 E. Washington Blvd  
Pasadena, CA 91107

**FIRST AMENDED ACCUSATION**

17 **Permit No. PHY 49984,**

18 **PASEO RX. INC. DBA ARARAT**  
19 **PHARMACY, DANIEL FENG,**  
20 **KATHERINE FENG, SULYNN CHEE**  
1717 E. Walnut St.  
Pasadena, CA 91106

21 **Permit No. PHY 54471,**

22 **and**

23 **DANIEL FENG**  
24 **781 Starlight Heights Dr.**  
**La Canada, CA 91011**

25 **Pharmacist License No. RPH 54152,**

26 Respondents.  
27  
28

1 **PARTIES**

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

5 2. On or about September 27, 2009, the Board of Pharmacy issued Permit Number PHY  
6 49984 to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee  
7 (Respondent Ararat "A"). The Permit expired on February 16, 2017, and has not been renewed.  
8 Respondent Daniel Feng was the Pharmacist-in-Charge at Respondent Ararat A from September  
9 27, 2009 through February 16, 2017.

10 3. On or about February 16, 2017, the Board of Pharmacy issued Permit Number PHY  
11 54471 to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee  
12 (Respondent Ararat "B"). The Permit expired on February 1, 2021, and has not been renewed.  
13 Respondent Daniel Feng was the Pharmacist-in-Charge at Respondent Ararat B from February  
14 16, 2017 through December 31, 2018; and again from March 18, 2019 to the present.

15 4. On or about October 21, 2002, the Board of Pharmacy issued Pharmacist License  
16 Number RPH 54152 to Daniel Feng (Respondent Feng). The Pharmacist License was in full  
17 force and effect at all times relevant to the charges brought herein and will expire on November  
18 30, 2022, unless renewed.

19 **JURISDICTION**

20 5. This First Amended Accusation is brought before the Board of Pharmacy (Board),  
21 under the authority of the following laws. All section references are to the Business and  
22 Professions Code unless otherwise indicated.

23 6. Section 4300 of the Code states in pertinent part:

24 (a) Every license issued may be suspended or revoked.

25 \*\*\*

26 (e) The proceedings under this article shall be conducted in accordance with  
27 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code,  
28 and the board shall have all the powers granted therein. The action shall be final, except that the

1 propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of  
2 the Code of Civil Procedure.

3 7. Section 4300.1 of the Code states:

4 The expiration, cancellation, forfeiture, or suspension of a board-issued license by  
5 operation of law or by order or decision of the board or a court of law, the placement of a license  
6 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the  
7 board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary  
8 proceeding against, the licensee or to render a decision suspending or revoking the license.

9 **STATUTORY PROVISIONS**

10 8. Section 4113 of the Code states in pertinent part:

11 \*\*\*

12 (c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state  
13 and federal laws and regulations pertaining to the practice of pharmacy.

14 9. Section 4301 of the Code states in relevant part:

15 The board shall take action against any holder of a license who is guilty of unprofessional  
16 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
17 Unprofessional conduct shall include, but is not limited to, any of the following:

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

21 \* \* \*

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

26 10. Section 4307 of the Code states, in pertinent part:

27 (a) Any person who has been denied a license or whose license has been revoked or is  
28 under suspension, or who has failed to renew his or her license while it was under suspension, or

1 who has been a manager, administrator, owner, member, officer, director, associate, partner, or  
2 any other person with management or control of any partnership, corporation, trust, firm, or  
3 association whose application for a license has been denied or revoked, is under suspension or has  
4 been placed on probation, and while acting as the manager, administrator, owner, member,  
5 officer, director, associate, partner, or any other person with management or control had  
6 knowledge of or knowingly participated in any conduct for which the license was denied,  
7 revoked, suspended, or placed on probation, shall be prohibited from serving as a manager,  
8 administrator, owner, member, officer, director, associate, partner, or in any other position with  
9 management or control of a licensee as follows:

10 (1) Where a probationary license is issued or where an existing license is placed on  
11 probation, this prohibition shall remain in effect for a period not to exceed five years.

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

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

17 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to  
18 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.  
19 However, no order may be issued in that case except as to a person who is named in the caption,  
20 as to whom the pleading alleges the applicability of this section, and where the person has been  
21 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part  
22 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision  
23 shall be in addition to the board's authority to proceed under Section 4339 or any other provision  
24 of law.

### 25 **COST RECOVERY**

26 11. Section 125.3 of the Code states, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licensee found to have committed a violation or violations of  
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
2 enforcement of the case.

### 3 **DEFINITIONS**

4 12. Saxenda (Liraglutide, generic name) is an injectable drug treatment for adults with a  
5 body mass index (BMI) of 30 or greater (obesity) or a BMI of 27 or greater (overweight) with at  
6 least one weight-related condition (e.g. hypertension, type 2 diabetes).

### 7 **FACTUAL ALLEGATIONS**

8 13. Jesse Daniel Gallardo worked as a pharmacy technician at Respondent Ararat "A"  
9 and Respondent Ararat "B" (collectively, Respondents Ararat) between July 12, 2016 and April  
10 21, 2017. On October 3, 2018, while employed at Respondent pharmacies, Mr. Gallardo was  
11 convicted of one misdemeanor count of violating Welfare and Institutions Code section  
12 14107(b)(3)[presenting false information to obtain Medi-Cal coverage] in the criminal proceeding  
13 titled, *The People of the State of California v. Jessie Daniel Gallardo* (2018, Case No.  
14 BA464513).

15 14. The circumstances underlying the conviction are as follows. Saxenda is an expensive  
16 injectable drug for the obese. Saxenda is not covered by L.A. Care, the public managed care  
17 organization in Los Angeles County for Medi-Cal patients, unless the patient has first tried and  
18 been unsuccessful in losing weight with other drug therapies. Mr. Gallardo, while working as a  
19 pharmacy technician at Respondents Ararat, falsified prior authorization forms to say that other  
20 drug therapies had been tried by patients first when in fact the other drug therapies had not been  
21 tried first. Specifically between July 12, 2016 and April 21, 2017, Mr. Gallardo dispensed forty  
22 Saxenda prescription claims forms for patients who did not qualify through L.A. Care. As a result  
23 of the unlawful claims, L.A. Care had paid \$109,740.87 to Respondents Ararat

### 24 **FIRST CAUSE FOR DISCIPLINE**

25 (Unprofessional Conduct)

26 15. Respondent Ararat "A" is subject to disciplinary action under Code sections 4301,  
27 subdivisions (f) and (o) for engaging in unprofessional conduct. Specifically, Respondent Ararat  
28 "A" employed Mr. Gallardo who, while working as a pharmacy technician at Respondents Ararat,

1 falsified Saxenda prior authorization forms submitted to L.A. Care and had dispensed Saxenda  
2 prescriptions for patients who did not qualify through L.A. Care. The circumstances are set forth  
3 more particularly in paragraphs 13-14.

## 4 **SECOND CAUSE FOR DISCIPLINE**

5 (Unprofessional Conduct)

6 16. Respondent Ararat “B” is subject to disciplinary action under Code sections 4301,  
7 subdivisions (f) and (o) for engaging in unprofessional conduct. Specifically, Respondent Ararat  
8 “B” employed Mr. Gallardo who, while working as a pharmacy technician at Respondents Ararat,  
9 falsified Saxenda prior authorization forms submitted to L.A. Care and had dispensed Saxenda  
10 prescriptions for patients who did not qualify through L.A. Care. The circumstances are set forth  
11 more particularly in paragraph 13-14.

## 12 **THIRD CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct)

14 17. Respondent Feng is subject to disciplinary action under Code sections 4301,  
15 subdivisions (f) and (o) and section 4113, subdivision (c) for engaging in unprofessional conduct.  
16 Specifically, Respondent Feng was the pharmacist in charge of Respondents Ararat which  
17 employed Mr. Gallardo who, while working as a pharmacy technician at Respondents Ararat,  
18 falsified Saxenda prior authorization forms submitted to L.A. Care and had dispensed Saxenda  
19 prescriptions for patients who did not qualify through L.A. Care. The circumstances are set forth  
20 more particularly in paragraphs 13-14.

## 21 **DISCIPLINE CONSIDERATIONS**

22 18. To determine the degree of discipline, if any, to be imposed on Respondent Ararat  
23 “A”, Complainant alleges that on or about July 2, 2018, in a prior action, the Board of Pharmacy  
24 issued Citation Number CI 2015 70696 citing Respondent Ararat “A” for advertising information  
25 that was untrue or misleading. Specifically, from at least May 2016 to an unknown date,  
26 Respondent Ararat “A” advertised on their website, www.araratpharmacy.com and at  
27 cyclorinse.com, the words “FDA approved dyclonine 1%” on their compounded product,  
28 Cyclone, which was not FDA approved. That Citation is now final.

19. To determine the degree of discipline, if any, to be imposed on Respondent Ararat “B”, Complainant alleges that on or about August 1, 2018, in a prior action, the Board of Pharmacy issued Citation Number CI 2017 80418 and ordered Respondent Ararat “B” to pay a fine in the amount of \$1,000.00 for advertising information that was untrue or misleading. Specifically, from at least May 2016 to an unknown date around May 2017, Respondent Ararat “B” advertised on their website, [www.araratpharmacy.com](http://www.araratpharmacy.com) and at [cyclorinse.com](http://cyclorinse.com), the words “FDA approved dyclonine 1%” on their compounded product, Cyclone, which was not FDA approved. That Citation is now final. That Citation is now final.

20. To determine the degree of discipline, if any, to be imposed on Respondent Feng, Complainant alleges that on or about December 5, 2018, in a prior action, the Board of Pharmacy issued Citation Number CI 2017 80419 and ordered Respondent Feng to pay a fine in the amount of \$500.00 for advertising information that was untrue or misleading while part owner and PIC at Respondents Ararat. Specifically, from at least May 2016 to an unknown date around May 2017, Respondents Ararat advertised on their website, [www.araratpharmacy.com](http://www.araratpharmacy.com) and at [cyclorinse.com](http://cyclorinse.com), the words “FDA approved dyclonine 1%” on their compounded product, Cyclone, which was not FDA approved. That Citation is now final.

## OTHER MATTERS

21. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY 49984 issued to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee, then they shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 5 years if Permit Number PHY 49984 is placed on probation or until Permit Number PHY 49984 is reinstated if it is revoked.

22. Pursuant to Code section 4307, if discipline is imposed on Permit Number PHY 54471 issued to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee, then they shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for 5 years if Permit Number PHY 54471 is placed on probation or until Permit Number PHY 54471 is reinstated if it is revoked.

23. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 54152 issued to Daniel Feng, then he shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee for 5 years if Pharmacist License Number RPH 54152 is placed on probation or until Pharmacist License Number RPH 54152 is reinstated if revoked.

### **PRAYER**

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

1. Revoking or suspending Permit Number PHY 49984 issued to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee;

2. Revoking or suspending Permit Number PHY 54471 issued to Paseo Rx. Inc. dba Ararat Pharmacy, Daniel Feng, Katherine Feng, Sulynn Chee;

3. Revoking or suspending Pharmacist License Number RPH 54152, issued to Daniel Feng;

4. Prohibiting Daniel Feng from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Permit Number PHY 49984 is placed on probation or until Permit Number PHY 49984 is reinstated if Permit Number PHY 49844 issued to Paseo Rx. Inc. dba Ararat Pharmacy revoked;

5. Prohibiting Katherine Feng from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Permit Number PHY 49984 is placed on probation or until Permit Number PHY 49984 is reinstated if Permit Number PHY 49844 issued to Paseo Rx. Inc. dba Ararat Pharmacy revoked;

6. Prohibiting Sulynn Chee from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Permit Number PHY 49984 is placed on probation or until Permit Number PHY 49984 is reinstated if Permit Number PHY 49844 issued to Paseo Rx. Inc. dba Ararat Pharmacy revoked;

7. Prohibiting Daniel Feng from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Permit Number PHY 54471 is placed on probation or until Permit Number PHY 54471 is reinstated if Permit Number PHY 54471 issued to Paseo Rx. Inc. dba Ararat Pharmacy revoked;

8. Prohibiting Katherine Feng from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Permit Number PHY 54471 is placed on probation or until Permit Number PHY 54471 is reinstated if Permit Number PHY 54471 issued to Paseo Rx. Inc. dba Ararat Pharmacy revoked;

9. Prohibiting Sulynn Chee from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Permit Number PHY 54471 is placed on probation or until Permit Number PHY 54471 is reinstated if Permit Number PHY 54471 issued to Paseo Rx. Inc. dba Ararat Pharmacy revoked;

10. Prohibiting Daniel Feng from serving as a manager, administrator, owner member, officer, director, associate, or partner of a license for 5 years if Pharmacist License Number RPH 54152 is placed on probation or until Pharmacist License Number RPH 54152 is reinstated if Pharmacist License Number RPH 54152 issued to Daniel Feng is revoked;

11. Ordering Ararat Pharmacy and Daniel Feng 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,

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

DATED: 8/7/2021

Signature on File

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