

**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**

**OAH No. 2021090583**

## DECISION AND ORDER

The attached Proposed Decision 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

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## **PROPOSED DECISION**

Irina Tentser, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on March 30, 2022

Vinodhini Ramagopal, Deputy Attorney General, appeared on behalf appeared on behalf of Anne Sodergren (Complainant), Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.

Herbert L. Weinberg, Attorney, appeared on behalf of Daniel Feng (Respondent Feng) who were present throughout hearing.

Prior to hearing, Complainant requested to take the matter off calendar as to respondent Paseo RX., Inc. doing business as Ararat Pharmacy (Ararat Pharmacy) based on its Stipulated Surrender of License and Order. Accordingly, the matter proceeded solely as to Respondent Feng.

Testimonial and documentary evidence was received. The record was closed and the matter was submitted for decision on March 30, 2022.

## **SUMMARY**

Complainant established through clear and convincing evidence at hearing that Respondent Feng's pharmacist license is subject to disciplinary action for unprofessional conduct under Business and Professions Code sections 4301, subdivisions (f) and (o), and section 4113, subdivision (c). (All further section references are to the Business and Professions Code unless otherwise designated.)

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Respondent Feng was the pharmacist in charge (PIC) and part owner of Ararat Pharmacy, which employed a pharmacy technician who, while working at Ararat Pharmacy, falsified Saxenda prior authorization forms submitted to L.A. Care and dispensed Saxenda prescriptions for patients who did not qualify through L.A. Care. Ararat Pharmacy received over \$100,000 based on the falsified prescriptions.

As PIC, Respondent Feng is responsible for the pharmacy technician's criminal activity. Respondent Feng's established he was not aware of the criminal and fraudulent activity and argued, therefore, he cannot be held legally responsible for the pharmacy technician's independent fraudulent and criminal actions. His arguments are unconvincing. However, Respondent Feng's lack of knowledge of the employee's fraudulent actions is a factor mitigating against the outright revocation of his license. Rather, an extended period of probation which precludes Respondent Feng from acting in a PIC capacity is warranted in this matter.

## **FACTUAL FINDINGS**

### **Jurisdictional Matters**

1. Complainant filed the First Amended Accusation in her official capacity.
2. Respondent Feng timely filed a Notice of Defense and this matter proceeded solely as to Respondent Feng on the third cause for discipline under Pharmacy Law for engaging in unprofessional conduct pursuant to Code sections 4301, subdivisions (f) and (o), and section 4113, subdivision (c).
3. On September 27, 2009, the Board issued Permit Number PHY 49984 to Ararat Pharmacy at its first location on East Washington Boulevard, in Pasadena,

California (Location 1). The Permit expired on February 16, 2017, and has not been renewed. Respondent Feng was the PIC at Ararat Pharmacy Location 1 from September 27, 2009 through February 16, 2017.

4. On February 16, 2017, the Board issued Permit Number PHY 54471 to Ararat Pharmacy at its subsequent location on East Walnut Street, in Pasadena, California (Location 2). The Permit expired on February 1, 2021, and has not been renewed. Respondent Feng was the PIC at Ararat Pharmacy Location 2 from February 16, 2017 through December 31, 2018; and again from March 18, 2019 until the filing of the First Amended Accusation in this matter.

5. On October 21, 2002, the Board issued Pharmacist License Number RPH 54152 to Respondent Feng. The Pharmacist License was in full force and effect at all times relevant to the charges brought in the First Amended Accusation and is scheduled to expire on November 30, 2022.

6. On November 5, 2018, the Board issued a Modified Citation to Respondent Feng for violation of section § 17500, unlawful untrue and misleading advertisement. The basis for the citation, which is now final, was that from at least May 2016 to an unknown date around May 2017, Ararat Pharmacy, while Respondent Feng was part owner and PIC, advertised on their website, [www.araratpharmacy.com](http://www.araratpharmacy.com) and cyclorinse.com, the words "FDA approved dyclonine 1%" on their compounded product, Cyclone, which was not FDA approved. (Exhibit 11.)

### **Ararat Pharmacy Technician's Criminal Conduct**

7. Jesse Daniel Gallardo worked as a pharmacy technician at both Ararat Pharmacy's locations between July 12, 2016 and April 21, 2017.

8. Saxenda (Liraglutide, generic name) is an expensive injectable drug treatment for adults with a body mass index (BMI) of 30 or greater (obesity) or a BMI of 27 or greater (overweight) with at least one weight-related condition (e.g. hypertension, or type 2 diabetes). Saxenda is not covered by L.A. Care, the public managed care organization in Los Angeles County for Medi-Cal patients, unless the patient first tried, and was unsuccessful in losing weight with, other drug therapies.

9. Mr. Gallardo, while working as a pharmacy technician at the Ararat Pharmacy locations, falsified prior authorization forms relating to Saxenda to say that other drug therapies had been tried by patients first when in fact the other drug therapies had not been tried first. Between July 12, 2016 and April 21, 2017, Mr. Gallardo dispensed forty Saxenda prescription claim forms for patients who did not qualify through L.A. Care. As a result of the unlawful claims, L.A. Care paid \$109,740.87 to Ararat Pharmacy for the Saxenda prescriptions.

10. Based on Mr. Gallardo's fraudulent actions, on October 3, 2018, while employed at Ararat Pharmacy, Mr. Gallardo was convicted of one misdemeanor count of violating Welfare and Institutions Code section 14107, subdivision (b)(3), (presenting false information to obtain Medi-Cal coverage) in the criminal proceeding titled *The People of the State of California v. Jessie Daniel Gallardo* (2018, Case No. BA464513.).

11. On May 2, 2019, Mr. Gallardo's pharmacy license was revoked by the Board based on his 2018 criminal conviction.

### **Respondent Feng's Unprofessional Conduct**

12. It is undisputed that Respondent Feng was the PIC at both Ararat Pharmacy locations during the time Mr. Gallardo was employed as a pharmacy

technician at Ararat Pharmacy, falsified Saxenda prior authorization forms submitted to L.A. Care, and dispensed Saxenda prescriptions for patients who did not qualify through L.A. Care, as set forth in Factual Findings 7 through 10.

13. Ararat Pharmacy received \$109,740.87 from L.A. Care as a result of Mr. Gallardo's unlawful acts. Respondent Feng, as part owner of Ararat Pharmacy during the relevant time period, financially benefitted from Mr. Gallardo's criminal activity.

14. Complainant did not establish through clear and convincing evidence that Respondent Feng was aware of Mr. Gallardo's criminal activity at the time it was occurring or had any role in Mr. Gallardo's fraudulent actions. Specifically, Complainant's evidence of Respondent Feng's knowledge and complicity of Mr. Gallardo's fraudulent activity, consisting of the Department of Justice criminal investigator's declaration relating Mr. Gallardo's hearsay statement that the technician "believed" Respondent Feng was aware of his criminal activity, is insufficient evidence to establish Respondent Feng's knowledge of Mr. Gallardo's criminal activity as a conclusive fact. (Exhibit 10, p. 35.) (Gov. Code, § 11513, subd. (d).) Further, at hearing, Respondent Feng denied he was aware of or participated in Mr. Gallardo's criminal activity. His claims of ignorance were corroborated by Mr. Gallardo's signed written statement, which contradicted the hearsay statements in the investigator's report, submitted into evidence by Respondent Feng. (Exhibit A.)

15. Regardless of whether Respondent Feng knew of or participated in Mr. Gallardo's fraudulent activity, as PIC during the relevant time period, Respondent Feng was responsible for ensuring Ararat Pharmacy complied with all state and federal laws and regulations governing pharmacies. (§ 4113, subd. (c).) Accordingly, Respondent Feng is vicariously and strictly liable for Mr. Gallardo's authorization falsifications.



## **Respondent Feng's Evidence in Mitigation and Rehabilitation**

16. At hearing, Respondent Feng testified he hired Mr. Gallardo as a pharmacy technician for Ararat Pharmacy based on his excellent resume and extensive experience. Under Respondent Feng's direction as PIC, Mr. Gallardo performed regular duties of a pharmacy technician including ordering drugs. Respondent Feng asserted that there was "no way" he could "see everything" that occurred at Ararat Pharmacy, testifying that he was present at Ararat Pharmacy locations for half the time each business day.

17. Respondent Feng acknowledged he was familiar with and recognized Mr. Gallardo's handwriting but insisted he would not have recognized Mr. Gallardo's forged authorizations. Further, despite being part owner of Ararat Pharmacy, Respondent Feng insisted he was not aware over \$100,000 was paid to the pharmacy from L.A. Care.

18. In mitigation, Respondent Feng argued that he should not be held responsible for Mr. Gallardo's fraudulent criminal actions. According to Respondent Feng, he should not be held accountable by the Board because he was not aware of Mr. Gallardo's fraud and was not present at Ararat Pharmacy for at least one-half of each business day when presumably Mr. Gallardo was forging authorizations. Notably, no credible evidence was submitted to corroborate Respondent Feng's inferences that Mr. Gallardo's criminal actions occurred while Respondent Feng was not present at Ararat Pharmacy.

19. Despite his claims of ignorance and lack of responsibility, Respondent Feng ultimately acknowledged at hearing that he should have reviewed the prior authorization forms prepared by Mr. Gallardo. Respondent Feng also testified he

understands he was ultimately responsible for compliance with all state and federal laws and regulations pertaining to the practice of pharmacy as Ararat Pharmacy's PIC.

20. Respondent Feng has been licensed by the Board for 20 years. With the exception of the 2018 citation described in Factual Finding 6, no prior action against his pharmacist license has been taken by the Board.

21. Respondent is married and the father of two children, ages 11 and 9. He testified that he is the sole support for his family and was unemployed as of the date of hearing.

22. Respondent submitted a character reference letter in support of his continued licensure from Johnny Lam, a California Board licensed pharmacy technician who has known Respondent Feng professionally for "many years." (Exhibit B.) In his letter, Mr. Lam praised Respondent Feng as an honest, compassionate, driven, knowledgeable, personable, community service focused pharmacist. He endorsed Respondent Feng's skills as a preceptor for many students in the local pharmacy schools. Mr. Lam indicated he was aware of the accusations against Respondent Feng and believed, nevertheless, that Respondent Feng should be allowed to retain his license by the Board based on Respondent Feng's skills and integrity as a pharmacist.

## **Costs**

23. Complainant submitted a certification of costs which stated that 75.25 hours were expended in the investigation of this matter, and that investigative costs were \$121 per hour for 72 hours for the Board inspector and \$127 per hour for 3.25 hours by the supervising inspector. The investigation was well documented. It was not established that the time spent in the investigation or the hourly rate charged for investigation was unreasonable. The Board's costs of investigation totaled \$9,124.75.

24. The Deputy Attorney General who prosecuted this matter submitted a declaration to which a billing statement was attached. The billing statement detailed the legal services provided by the Attorney General's Office in the prosecution of this matter. Through March 16, 2022, the Office of the Attorney General billed the Board \$4,204.75 for legal services.

25. The total costs of investigation and enforcement of \$13,329.50 are reasonable.

## **LEGAL CONCLUSIONS**

### **Burden and Standard of Proof**

1. The burden and standard of proof requires a regulatory board or agency seeking to suspend or revoke a professional license to prove all the allegations of an accusation by clear and convincing evidence. (*Owens v. Sands* (2009) 176 Cal.App.4th 985, 991-992.) Clear and convincing evidence requires a finding of high probability so that the evidence must be so clear as to leave no substantial doubt and sufficiently strong to cause assent of every reasonable mind.

2. A party has the burden of proof to each fact the existence or nonexistence of which is central to the claim for relief or defense they are asserting except as otherwise provided by law. To meet their burden, the party bearing the burden of proof must present clear and convincing evidence to establish the facts alleged. In this matter, Complainant bears and met the burden to establish the allegations of unprofessional conduct by Respondent Feng as contained in the First Amended Accusation by clear and convincing evidence.

## **Pharmacy Regulations**

3. The Board is mandated to prioritize the protection of the public against any other inconsistent interests. (§ 4001.1.) Pharmacies must be licensed by the Board. Every pharmacy must have a PIC, an individual licensed by the Board who is responsible for a pharmacy's compliance with all state and federal laws.

4. Under Code section 4300, subdivision (a), the Board may suspend or revoke a license or registration.

## **Purpose of Disciplinary Proceedings**

5. A license revocation proceeding is civil in nature. The purpose of a license revocation proceeding is not to punish the licensee but to provide protection to the public based upon the principle that public respect and confidence is upheld by eliminating dishonest, incompetent, immoral, or disreputable practitioners. (*Fahmy v. Medical Bd. Of California* (1995) 38 Cal.App.4th 810, 817.)

## **Unprofessional Conduct**

6. The sole cause of action for unprofessional conduct against Respondent Feng in this matter is based on his vicarious liability for the criminal and fraudulent activity of Mr. Gallardo conducted while Respondent Feng was Ararat Pharmacy's PIC in violation of sections 4301, subdivisions (f) and (o), and section 4113, subdivision (c). Respondent Feng does not dispute his liability under section 4301, subdivision (o), and section 4113, subdivision (c), as PIC, for Mr. Gallardo's actions. However, Respondent Feng argues he cannot be held to be in violation of section 4301, subdivision (f), because Respondent Feng was unaware that Mr. Gallardo was submitting false claims, and without such knowledge and intent, cannot have violated section 4301,

subdivision (f). As more fully discussed below, Respondent Feng's arguments are legally unpersuasive.

7. "'Pharmacist in-charge' means a pharmacist proposed by a pharmacy and approved by the board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy." (§ 4036.5.)

8. A PIC is responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy. (§ 4113, subd. (c).)

9. Section 4115, subdivision (b) provides:

(a) A pharmacy technician may perform packaging, manipulative, repetitive, or other nondiscretionary tasks only while assisting, and while under the direct supervision and control of, a pharmacist. The pharmacist shall be responsible for the duties performed under his or her supervision by a technician.

(b) This section does not authorize the performance of any tasks specified in subdivision (a) by a pharmacy technician without a pharmacist on duty.

(g) Notwithstanding subdivisions (a) and (b), the board shall by regulation establish conditions to permit the temporary absence of a pharmacist for breaks and lunch periods pursuant to Section 512 of the Labor Code and the orders of the Industrial Welfare Commission without closing the

pharmacy. During these temporary absences, a pharmacy technician may, at the discretion of the pharmacist, remain. The pharmacist shall be responsible for a pharmacy technician and shall review any task performed by a pharmacy technician during the pharmacist's temporary absence.

10. Under section 4301, the Board "shall take action against any holder of a license who is guilty of unprofessional conduct. Unprofessional conduct shall include (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." (§ 4301, subd. (f).) In addition, unprofessional conduct includes the violation or attempted violation, directly or indirectly, or assistance 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. (§4301, subd. (o).)

11. In *Sternberg v. California State Bd. of Pharmacy* (2015) 239 Cal.App.4th 1159, Mr. Sternberg, a PIC, was held responsible for failing to secure a Target pharmacy from theft by a pharmacy technician which occurred without Mr. Sternberg's knowledge or participation. The *Sternberg* court generally stated that the PIC's responsibility pursuant to section 4113, subdivision (c), to ensure compliance with pharmacy laws was inclusive of specific Business and Professions Code violations. While in the *Sternberg* case section 4081 (recordkeeping and inspection) was at issue, the *Sternberg* court analysis applies to this matter:

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The Board's interpretation [that the pharmacist in charge need not have knowledge of the pharmacy technician's thefts in order to impose licensing discipline] supports the purpose of protecting the public by encouraging pharmacists-in-charge to take necessary precautions to adequately supervise and maintain the inventory of dangerous drugs. And imposing strict liability is consistent with other cases imposing strict liability under other licensing statutes. (See *Margarito v. State Athletic Com.* (2010) 189 Cal.App.4th 159, 168–169, 116 Cal.Rptr.3d 888 [collecting cases]; see also *Brodsky v. Cal. State Bd. of Pharmacy* (1959) 173 Cal.App.2d 680, 682, 691, 344 P.2d 68 (Brodsky) [refusing to imply knowledge requirement in now-repealed pharmacy statute that provided that 'any person who permits the compounding of prescriptions or the selling of drugs in his pharmacy except by a registered pharmacist is guilty of a misdemeanor.'].)"

(*Sternberg, supra*, 239 Cal.App.4th at 1166-1168.)

12. Here, as PIC, Respondent Feng cannot escape responsibility for the actions of his employee, Mr. Gallardo, by mere alleging that fraudulent activity occurred without Respondent's Feng's knowledge, participation, and while he was not present at Ararat Pharmacy. (*Vt. & 100 Med. Arts Pharmacy v. Bd. of Pharmacy* (1981) 125 Cal.App.3d 19.)

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13. Cause therefore exists to discipline Respondent's Feng's pharmacy license pursuant to sections 4301, subdivisions (f) and (o), in conjunction with section 4113, subdivision (c), for engaging in unprofessional conduct. (Factual Findings 7-15.)

## **Level of Discipline**

14. All matters in mitigation and rehabilitation have been considered. Based on the Board's Disciplinary Guidelines (Rev. 2/2017), outright revocation is unduly punitive in this matter. (Cal. Code of Regs., tit. 16, § 1760.)

15. The relevant factors to be considered in determining the appropriate level of discipline include: actual or potential harm to the public; actual or potential harm to any consumer; prior disciplinary record, including level of compliance with disciplinary order(s); prior warning(s), including but not limited to citation(s) and fine(s), letter(s) of admonishment, and/or correction notice(s); number or variety of current violations; nature and severity of the act(s), offense(s), or crime(s) under consideration; aggravating evidence; mitigating evidence; rehabilitation evidence; time passed since the acts or offenses; whether the conduct was intentional or negligent, or demonstrated incompetence; and financial benefit to the respondent from the misconduct. (§ 4300.)

16. In this case, it is significant mitigating evidence that Respondent Feng did not know or participate in Mr. Gallardo's fraudulent criminal activity. His conduct demonstrates negligence and incompetence rather than intentional malfeasance. Despite Respondent Feng's claims of innocence, the fact that there was a clear financial benefit from filling the fraudulent prescriptions to Ararat Pharmacy must be acknowledged. Respondent Feng had an ownership stake in Ararat Pharmacy and therefore benefitted financially from the fraudulent activity of his employee.



17. As set forth in Factual Finding 6, Respondent Feng was previously issued a citation by the Board. However, Respondent Feng's 20-year license history is otherwise discipline free prior to this matter. Complainant sets forth one cause for discipline against Respondent Feng in this matter. The other respondents having surrendered their license by stipulation prior to this hearing.

18. Ultimately, the goal of public protection is tantamount. Punishment is not the goal of Board discipline. Based on the totality of the circumstances, a five-year term of probation under appropriate terms and conditions is warranted based on Respondent Feng's lack of knowledge and participation in the fraudulent criminal activity of his employee.

### **No Additional Ownership or Management of Licensed Premises**

19. Based on the discipline imposed on Respondent Feng's pharmacist license, cause exists pursuant to section 4307, to include probationary terms and conditions for Respondent Feng prohibiting him from acquiring any additional ownership, legal or beneficial interest in, nor serving as a manager, administrator, member, officer, director, associate, partner or any business, firm, partnership, or corporation currently or hereinafter licensed by the Board except as approved by the Board.

### **Costs**

20. Section 125.3 states, in relevant part:

(a) Except as otherwise provided by law, in any order issued in resolution of a disciplinary proceeding before any board within the department or before the Osteopathic Medical

Board, upon request of the entity bringing the proceeding, the administrative law judge may direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

(b) In the case of a disciplined licensee that is a corporation or a partnership, the order may be made against the licensed corporate entity or licensed partnership.

21. The Board must exercise its discretion to reduce or eliminate cost awards in a manner that will ensure the award does not deter licensees with potentially meritorious claims or defenses from exercising their right to a hearing. (*Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.App.4th 32, 45.)

22. The Board of Pharmacy's reasonable costs of investigation and enforcement total \$13,329.50. Based on *Zuckerman* principles, the repayment of the costs is apportioned to Respondent Feng so that he shall repay a third of the costs in the sum of \$4,443.17.

## **ORDER**

Pharmacist License No. RPH 54152, issued to Respondent Feng is revoked; however, the revocation is stayed and respondent is placed on probation for five years on the following terms and conditions:

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## **1. DEFINITION: RESPONDENT**

For the purposes of these terms and conditions, "respondent" shall refer to Daniel Feng.

## **2. OBEY ALL LAWS**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the Board, in writing, within 72 hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- the filing of a disciplinary pleading, issuance of a citation, or initiation of another administrative action filed by any state or federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

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### **3. REPORT TO THE BOARD**

Respondent shall report to the board quarterly, on a schedule as directed by the Board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation.

Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

### **4. INTERVIEW WITH THE BOARD**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the Board or its designee, at such intervals and locations as are determined by the Board or its designee. Failure to appear for any scheduled interview without prior notification to Board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

### **5. COOPERATE WITH BOARD STAFF**

Respondent shall timely cooperate with the board's inspection program and with the Board's monitoring and investigation of respondent's compliance with the terms and conditions of his probation, including but not limited to: timely responses to requests for information by Board staff; timely compliance with directives from

Board staff regarding requirements of any term or condition of probation; and timely completion of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a violation of probation.

## **6. CONTINUING EDUCATION**

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board or its designee.

## **7. REPORTING OF EMPLOYMENT AND NOTICE TO EMPLOYERS**

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within 30 days of the effective date of this decision, and within 10 days of undertaking any new employment, respondent shall report to the board in writing the name, physical address, and mailing address of each of his employer(s), and the name(s) and telephone number(s) of all of his direct supervisor(s), as well as any pharmacist(s)-in-charge, designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s) and the work schedule, if known. Respondent shall also include the reason(s) for leaving the prior employment. Respondent shall sign and return to the Board a written consent authorizing the Board or its designee to communicate with all of respondent's employer(s) and supervisor(s), and authorizing those employer(s) or supervisor(s) to communicate with the Board or its designee, concerning respondent's work status, performance, and monitoring. Failure to comply with the requirements or deadlines of this condition shall be considered a violation of probation.

Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking any new employment, respondent shall cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge, responsible manager, or other compliance supervisor, and (c) the owner or owner representative of his employer, to report to the Board in writing acknowledging that the listed individual(s) has/have read the decision in case number, and terms and conditions imposed thereby. If one person serves in more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation, respondent shall cause the person(s) taking over the role(s) to report to the Board in writing within 15 days of the change acknowledging that he or she has read the decision in this matter, and the terms and conditions imposed thereby.

If respondent works for or is employed by or through an employment service, respondent must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the Board of the decision in case number 7121, and the terms and conditions imposed thereby in advance of respondent commencing work at such licensed entity. A record of this notification must be provided to the Board upon request.

Furthermore, within 30 days of the effective date of this decision, and within 15 days of respondent undertaking any new employment by or through an employment service, respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service to report to the Board in writing acknowledging that he or she has read the decision in case number, and the terms and conditions imposed thereby.

It shall be respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the Board.

Failure to timely notify present or prospective employer(s) or failure to cause the identified person(s) with that/those employer(s) to submit timely written acknowledgments to the Board shall be considered a violation of probation.

"Employment" within the meaning of this provision includes any full-time, part-time, temporary, relief, or employment/management service position as a licensed pharmacist, or any position for which a pharmacy license is a requirement or criterion for employment, whether the respondent is an employee, independent contractor or volunteer.

## **8. NOTIFICATION OF CHANGE(S) IN NAME, ADDRESS(ES), OR PHONE NUMBER(S)**

Respondent shall further notify the Board in writing within 10 days of any change in name, residence address, mailing address, e-mail address or phone number.

Failure to timely notify the Board of any change in employer, name, address, or phone number shall be considered a violation of probation.

## **9. RESTRICTIONS ON SUPERVISION AND OVERSIGHT OF LICENSED FACILITIES**

During the period of probation, respondent shall not supervise any intern pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible manager or other compliance supervisor of any entity licensed by the Board, nor serve as a consultant.

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Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

During the period of probation, respondent shall not supervise any ancillary personnel, including, but not limited to, pharmacy technicians, designated representatives, designated representative-3PL in any entity licensed by the Board. Assumption of any such unauthorized ancillary personnel supervision responsibilities shall be considered a violation of probation.

## **10. REIMBURSEMENT OF BOARD COSTS**

As a condition precedent to successful completion of probation, respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$4,443.17. Respondent shall make said payments on a payment plan approved by the Board.

There shall be no deviation from this schedule absent prior written approval by the Board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

Respondent shall be permitted to pay these costs in a payment plan approved by the Board or its designee, so long as full payment is completed no later than one (1) year prior to the end date of probation.

## **11. PROBATION MONITORING COSTS**

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to



pay such costs by the deadline(s) as directed shall be considered a violation of probation.

## **12. STATUS OF LICENSE**

Respondent shall, at all times while on probation, maintain an active, current pharmacist license with the board, including any period during which suspension or probation is tolled.

Failure to maintain an active, current pharmacist license shall be considered a violation of probation.

If respondent's pharmacist license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

## **13. LICENSE SURRENDER WHILE ON PROBATION**

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may relinquish his license, including any indicia of licensure issued by the board, along with a request to surrender the license. The Board or its designee shall have the discretion whether to accept the surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the Board.

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Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall license, including any indicia of licensure not previously provided to the Board within 10 days of notification by the Board that the surrender is accepted if not already provided.

Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the Board, including any outstanding costs.

#### **14. PRACTICE REQUIREMENT – EXTENSION OF PROBATION**

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacist in California for a 20-hour minimum of hours per calendar month. Any month during which this minimum is not met shall extend the period of probation by one month. During any such period of insufficient employment, respondent must nonetheless comply with all terms and conditions of probation, unless respondent receives a waiver in writing from the Board or its designee.

If respondent does not practice as a pharmacist in California for the minimum number of hours in any calendar month, for any reason (including vacation), respondent shall notify the board in writing within 10 days of the conclusion of that calendar month. This notification shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which respondent will resume practice at the required level. Respondent shall further notify the board in writing within ten (10) days following the next calendar month during which respondent practices as a pharmacist in California

for the minimum of hours. Any failure to timely provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to be extended pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding 36 months. The board or its designee may post a notice of the extended probation period on its website.

## **15. VIOLATION OF PROBATION**

If respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over respondent, and the Board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed. The Board or its designee may post a notice of the extended probation period on its website.

If respondent violates probation in any respect, the Board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed against respondent during probation, or the preparation of an accusation or petition to revoke probation is requested from the Office of the Attorney General, the Board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

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## **16. COMPLETION OF PROBATION**

Upon written notice by the Board or its designee indicating successful completion of probation, respondent's license will be fully restored.

## **17. REMEDIAL EDUCATION**

Within 90 days of the effective date of this decision, respondent shall submit to the Board or its designee, for prior approval, an appropriate program of remedial education related to the functions and duties of a pharmacist. The program of remedial education shall consist of at least 20 hours, which shall be completed within one year at respondent's own expense. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes for pharmacists.

Failure to timely submit for approval or complete the approved remedial education shall be considered a violation of probation. The period of probation will be automatically extended until such remedial education is successfully completed and written proof, in a form acceptable to the Board, is provided to the Board or its designee.

Following the completion of each course, the Board or its designee may require the respondent, at his own expense, to take an approved examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination that course shall not count towards satisfaction of this term. Respondent shall take another course approved by the Board in the same subject area.

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## **18. ETHICS COURSE**

Within 60 calendar days of the effective date of this decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the Board or its designee that complies with Title 16 California Code of Regulations section 1773.5. Respondent shall provide proof of enrollment upon request. Within five (5) days of completion, respondent shall submit a copy of the certificate of completion to the Board or its designee. Failure to timely enroll in an approved ethics course, to initiate the course during the first year of probation, to successfully complete it before the end of the second year of probation, or to timely submit proof of completion to the Board or its designee, shall be considered a violation of probation.

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## **19. No ADDITIONAL OWNERSHIP OR MANAGEMENT OF LICENSED PREMISES**

For a period of five years respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the Board. If respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

DATE: 04/28/2022

*Irina Tentser*

IRINA TENTSER

Administrative Law Judge

Office of Administrative Hearings

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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. 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*