

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

In the Matter of the Accusation Against:

**ST. CYRIL INC. dba RE COMMUNITY PHARMACY,
GENEVIEVE BENJAMIN, OWNER, DIRECTOR AND OFFICER,
Pharmacy Permit No. PHY 55522; and**

**HAN.SAM CORP., dba RE PHARMACY,
HANY SAMUEL BENJAMIN, OWNER, DIRECTOR AND OFFICER,
Pharmacy Permit No. PHY 56970; and**

**HAN.SAM CORP., dba RIVERS EDGE PHARMACY,
HANY SAMUEL BENJAMIN, OWNER, DIRECTOR AND OFFICER,
Pharmacy Permit No. PHY 49157; and**

**HANY SAMUEL BENJAMIN,
Pharmacist License No. RPH 58261; and**

**GENEVIEVE SABRY BENJAMIN,
Pharmacist License No. RPH 58193; and**

**LISA NABIEH SMITH, AKA LISA NABIEH LUTFI,
Pharmacist License No. RPH 69812;**

and

**DECISION AND ORDER AS TO
RE COMMUNITY PHARMACY, RE PHARMACY, RIVER'S EDGE PHARMACY, HANY S. BENJAMIN,
GENEVIEVE S. BENJAMIN, CAMINO CAPISTRANO PHARMACY, RESELL PHARMACEUTICALS, LLC, AND MIA CARE
PHARMACY ONLY (CASE NO. 6934, 6935, 7022, 6929, & 7102)**

**FADI ATEF NASSAR EBEID,
Pharmacist License No. RPH 69962,**

Respondents

Agency Case No. 6934 and 6935

In the Matter of the Statement of Issues Against:

**ST. CYRIL INC., dba CAMINO CAPISTRANO PHARMACY,
Pharmacy Permit Applicant,**

Respondent

Agency Case No. 7022

In the Matter of the Statement of Issues Against:

**RESELL PHARMACEUTICALS, LLC, HAN SAM CORP., SOLE MEMBER,
Wholesaler License Applicant,**

Respondent

Agency Case No. 6929

DECISION AND ORDER AS TO
RE COMMUNITY PHARMACY, RE PHARMACY, RIVER'S EDGE PHARMACY, HANY S. BENJAMIN,
GENEVIEVE S. BENJAMIN, CAMINO CAPISTRANO PHARMACY, RESELL PHARMACEUTICALS, LLC, AND MIA CARE
PHARMACY ONLY (CASE NO. 6934, 6935, 7022, 6929, & 7102)

In the Matter of the Statement of Issues Against:

**MIA CARE, INC., dba MIA CARE PHARMACY,
Pharmacy Permit Applicant,**

Respondent

Agency Case No. 7102

OAH No. 2021120024

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary 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 August 24, 2022.

It is so ORDERED on July 25, 2022.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



Seung W. Oh, Pharm.D.
Board President

DECISION AND ORDER AS TO
RE COMMUNITY PHARMACY, RE PHARMACY, RIVER'S EDGE PHARMACY, HANY S. BENJAMIN,
GENEVIEVE S. BENJAMIN, CAMINO CAPISTRANO PHARMACY, RESELL PHARMACEUTICALS, LLC, AND MIA CARE
PHARMACY ONLY (CASE NO. 6934, 6935, 7022, 6929, & 7102)

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

12 In the Matter of the Accusation Against:

13 **ST. CYRIL INC.,**
14 **DBA RE COMMUNITY PHARMACY,**
15 **GENEVIEVE BENJAMIN, OWNER,**
16 **DIRECTOR AND OFFICER**
17 **2571 W. La Palma Ave., #A**
18 **Anaheim, CA 92801**

16 **Pharmacy Permit No. PHY 55522,**

18 **HAN.SAM CORP.,**
19 **DBA RE PHARMACY,**
20 **HANY SAMUEL BENJAMIN, OWNER,**
21 **DIRECTOR AND OFFICER**
22 **2571 W. La Palma Avenue, Suite. A**
23 **Anaheim, CA 92801**

21 **Pharmacy Permit No. PHY 56970,**

23 **HAN.SAM CORP.,**
24 **DBA RIVER'S EDGE PHARMACY**
25 **HANY SAMUEL BENJAMIN, OWNER,**
26 **DIRECTOR AND OFFICER**
27 **36919 Cook Street, Suite 102**
28 **Palm Desert, CA 92211**

26 **Pharmacy Permit No. PHY 49157,**

Case Nos. 6934 and 6935

OAH No. 2021120024

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO ST.
CYRIL, INC., DBA RE COMMUNITY
PHARMACY; HAN.SAM CORP., DBA
RE PHARMACY; HAN.SAM CORP.,
DBA, RIVER'S EDGE PHARMACY;
HANY SAMUEL BENJAMIN;
GENEVIEVE SABRY BENJAMIN; ST.
CYRIL, INC., DBA CAMINO
CAPISTRANO PHARMACY; RESELL
PHARMACEUTICALS, LLC, HAN.SAM
CORP., SOLE MEMBER; AND MIA
CARE, INC, DBA MIA CARE
PHARMACY ONLY**

1 **HANY SAMUEL BENJAMIN**
2 **36919 Cook Street**
3 **Palm Desert, CA 92211**

4 **Pharmacist License No. RPH 58261,**

5 **GENEVIEVE SABRY BENJAMIN**
6 **1 Odessa**
7 **Foothill Ranch, CA 92610**

8 **Pharmacist License No. RPH 58193,**

9 **LISA NABIEH SMITH, AKA LISA**
10 **NABIEH LUTFI**
11 **11810 La Serna Dr.**
12 **Whittier, CA 90604**

13 **Pharmacist License No. RPH 69812**

14 **and**

15 **FADI ATEF NASSAR EBEID**
16 **35782 Raphael Dr.**
17 **Palm Desert, CA 92211**

18 **Pharmacist License No. RPH 69962,**

19 Respondents.

20 In the Matter of the Statement of Issues
21 Against:

Case No. 7022

22 **ST. CYRIL INC.,**
23 **DBA CAMINO CAPISTRANO**
24 **PHARMACY**

25 **Applicant for Pharmacy Permit**

26 Respondent.

27 In the Matter of the Statement of Issues
28 Against:

Case No. 6929

29 **RESELL PHARMACEUTICALS, LLC,**
30 **HAN.SAM CORP., SOLE MEMBER**

31 **Applicant for Wholesaler License**

32 Respondent.

1 In the Matter of the Statement of Issues
2 Against:

Case No. 7102

3 **MIA CARE INC.,**
4 **DBA MIA CARE PHARMACY**

5 **Applicant for Pharmacy Permit**

6 Respondent.

7
8 The following stipulation is agreed to by and resolves the administrative cases pending as to
9 Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE Pharmacy,
10 Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve Sabry
11 Benjamin, St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC,
12 Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy only. It does not
13 apply to or alter the administrative case pending against Respondents Lisa Nabieh Smith and Fadi
14 Atef Nassar Ebeid.

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

17 **PARTIES**

18 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
19 (Board). She brought this action solely in her official capacity and is represented in this matter by
20 Rob Bonta, Attorney General of the State of California, by Desiree I. Kellogg, Deputy Attorney
21 General.

22 2. Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy and,
23 ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member are acting in this proceeding
24 through Hany Samuel Benjamin, an officer, shareholder and director of Han.Sam Corp., who has
25 been designated and authorized to enter into this agreement on their behalf. St. Cyril, Inc., dba
26 RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy are acting in this
27 proceeding through Genevieve Sabry Benjamin, an officer, shareholder and director of St. Cyril,
28 Inc., who has been designated and authorized to enter into this agreement on their behalf. Mia

1 Care, Inc., dba Mia Care Pharmacy, is acting in this proceeding through Mervet Mecheal
2 Abdelmalik, an officer, shareholder and director of Mia Care, Inc., who has been designated and
3 authorized to enter into this agreement on its behalf.

4 3. St. Cyril, Inc., dba RE Community Pharmacy, St. Cyril, Inc., dba Camino Capistrano
5 Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy,
6 ReSell Pharmaceuticals, Inc., Han.Sam Corp., Sole Member, Mia Care, Inc., dba Mia Care
7 Pharmacy, Inc., Hany Samuel Benjamin and Genevieve Sabry Benjamin are represented in this
8 proceeding by attorney Adam B. Brown of the Law Offices of Brown & Brown, whose address
9 is: 3848 W. Carson Street, Suite 206, Torrance, CA 90503.

10 4. On or about February 15, 2017, the Board of Pharmacy issued Pharmacy Permit
11 Number PHY 55522 to St. Cyril Inc., doing business as RE Community Pharmacy, Genevieve
12 Benjamin, owner, director and officer. The Pharmacy Permit was in full force and effect at all
13 times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First
14 Amended Statement of Issues Nos. 7022, 6929 and 7102 and was cancelled on January 16, 2019.

15 5. On or about January 16, 2019, the Board of Pharmacy issued Pharmacy Permit
16 Number PHY 56970 to Han.Sam Corp., doing business as RE Pharmacy, Hany Samuel
17 Benjamin, owner, director and officer. The Pharmacy Permit was in full force and effect at all
18 times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First
19 Amended Statement of Issues Nos. 7022, 6929 and 7102 and was cancelled on March 11, 2021
20 effective February 8, 2021.

21 6. On or about September 15, 2008, the Board of Pharmacy issued Pharmacy Permit
22 Number PHY 49157 to Han.Sam Corp., doing business as River's Edge Pharmacy, Hany Samuel
23 Benjamin, owner, director and officer. The Pharmacy Permit was in full force and effect at all
24 times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First
25 Amended Statement of Issues Nos. 7022, 6929 and 7102 and will expire on September 1, 2022,
26 unless renewed.

27 7. On or about May 9, 2006, the Board of Pharmacy issued Pharmacist License Number
28 RPH 58261 to Hany Samuel Benjamin. The Pharmacist License was in full force and effect at all

1 times relevant to the charges brought in First Amended Accusation Nos. 6934 and 6935 and First
2 Amended Statement of Issues Nos. 7022, 6929 and 7102 and will expire on October 31, 2023,
3 unless renewed.

4 8. On or about March 20, 2006, the Board of Pharmacy issued Pharmacist License
5 Number RPH 58193 to Genevieve Sabry Benjamin. The Pharmacist License was in full force
6 and effect at all times relevant to the charges brought in First Amended Accusation Nos. 6934 and
7 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102 and will expire on April
8 30, 2024, unless renewed.

9 9. On or about October 30, 2019, the Board received an application for a wholesaler
10 license from ReSell Pharmaceuticals, LLC with Han.Sam Corp. identified as the sole member of
11 ReSell Pharmaceuticals, LLC. On or about March 2, 2020, the Board denied ReSell
12 Pharmaceuticals, LLC's application and subsequently filed First Amended Statement of Issues
13 No. 6929.

14 10. On or about October 23, 2019, the Board received an application for a pharmacy
15 permit from St. Cyril, Inc. to do business as Camino Capistrano Pharmacy. On February 18,
16 2020, Camino Capistrano Pharmacy filed an amended application. On or about August 4, 2020,
17 the Board denied Camino Capistrano Pharmacy's application and subsequently filed First
18 Amended Statement of Issues No. 7022.

19 11. On or about November 18, 2020, the Board received an application for a pharmacy
20 permit from Mia Care, Inc. to do business as Mia Care Pharmacy. On or about February 4, 2021,
21 the Board denied Mia Care Pharmacy's application and subsequently filed First Amended
22 Statement of Issues No. 7102.

23 **JURISDICTION**

24 12. First Amended Accusation Nos. 6934 and 6935 was filed before the Board, and is
25 currently pending against St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE
26 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin and Genevieve
27 Sabry Benjamin. First Amended Statement of Issues No. 7022 was filed before the Board, and is
28 currently pending against St. Cyril, Inc., dba Camino Capistrano Pharmacy. First Amended

1 Statement of Issues No. 6929 was filed before the Board, and is currently pending against Resell
2 Pharmaceuticals, LLC, Han.Sam Corp., Sole Member. First Amended Statement of Issues No.
3 7102 was filed before the Board, and is currently pending against Mia Care, Inc., dba Mia Care
4 Pharmacy. First Amended Accusation Nos. 6934 and 6935, First Amended Statement of Issues
5 No. 7022, First Amended Statement of Issues No. 6929 and First Amended Statement of Issues
6 No. 7102, and all other statutorily required documents were properly served on St. Cyril, Inc., dba
7 RE Community Pharmacy, St. Cyril, dba Camino Capistrano Pharmacy, Han.Sam Corp., dba RE
8 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, ReSell Pharmaceuticals, LLC, Sole
9 Member, Han.Sam Corp., Hany Samuel Benjamin, Genevieve Sabry Benjamin and Mia Care,
10 Inc., dba Mia Care Pharmacy on May 5, 2022. St. Cyril, Inc., dba RE Community Pharmacy, St.
11 Cyril, Inc., dba Camino Capistrano, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba
12 River's Edge Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member, Hany
13 Samuel Benjamin, Genevieve Sabry Benjamin and Mia Care, Inc., dba Mia Care Pharmacy
14 timely filed Notices of Defense or requests for hearing as to Case Nos. 6934, 6935, 7022, 6929
15 and 7102. Copies of First Amended Accusation Nos. 6934 and 6935 and First Amended
16 Statement of Issues Nos. 7022, 6929 and 7102 are attached as Exhibit A and incorporated by
17 reference.

18 **ADVISEMENT AND WAIVERS**

19 13. Respondents has carefully read, fully discussed with counsel, and understand the
20 charges and allegations in First Amended Accusation Nos. 6934 and 6935 and First Amended
21 Statement of Issues Nos. 7022, 6929 and 7102. Respondents have also carefully read, fully
22 discussed with counsel, and understand this Stipulated Settlement and Disciplinary Order.

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

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1 and court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

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

5 **CULPABILITY**

6 16. Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE
7 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin and Genevieve
8 Sabry Benjamin hereby understand and agree that the charges and allegations in First Amended
9 Accusation Nos. 6934 and 6935, if proven at a hearing, constitute cause for imposing discipline
10 upon their respective Pharmacy Permits and Pharmacist Licenses. Respondents St. Cyril, Inc.,
11 dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member
12 and Mia Care, Inc., dba Mia Care Pharmacy hereby understand and agree that the charges and
13 allegations in First Amended Statement of Issues Nos. 7022, 6929 and 7102, if proven at a
14 hearing, constitute cause for denial of their applications for a Pharmacy License or Wholesaler
15 License.

16 17. For the purpose of resolving these cases without the expense and uncertainty of
17 further proceedings, Respondents St. Cyril, dba RE Community Pharmacy, St. Cyril, dba Camino
18 Capistrano Pharmacy, Han.Sam Corp., RE Pharmacy, Han.Sam Corp., dba River's Edge
19 Pharmacy, Hany Samuel Benjamin, Genevieve Sabry Benjamin, ReSell Pharmaceuticals, LLC,
20 Han.Sam Corp., Sole Member and Mia Care, Inc., dba Mia Care Pharmacy hereby agree that, at a
21 hearing, Complainant could establish a factual basis for the charges in First Amended Accusation
22 Nos. 6934 and 6935 and First Amended Statement of Issues Nos. 7022, 6929 and 7102, that those
23 charges constitute cause for discipline or denial, and that Respondents hereby give up their right
24 to contest those charges.

25 18. Respondents St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE
26 Pharmacy, St. Cyril, Inc., dba Camino Capistrano Pharmacy, ReSell Pharmaceuticals, LLC, Sole
27 Member and Mia Care, Inc., dba Mia Care Pharmacy understand that by signing this stipulation
28

1 they enable the Board to issue an order accepting the surrender of their Pharmacy Permits and
2 affirming license denials, without further process.

3 19. Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin and Genevieve
4 Sabry Benjamin agree that their respective Pharmacist Licenses and Pharmacy Permit are subject
5 to discipline and they agree to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 **CONTINGENCY**

8 20. This stipulation shall be subject to approval by the Board of Pharmacy. Respondents
9 understand and agree that counsel for Complainant and the staff of the Board of Pharmacy may
10 communicate directly with the Board regarding this stipulation and settlement, without notice to
11 or participation by Respondents or their counsel. By signing the stipulation, Respondents
12 understand and agree that they may not withdraw their agreement or seek to rescind the
13 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
14 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
15 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
16 the parties, and the Board shall not be disqualified from further action by having considered this
17 matter.

18 21. The parties understand and agree that Portable Document Format (PDF) and facsimile
19 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
20 signatures thereto, shall have the same force and effect as the originals.

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

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

1 **DISCIPLINARY ORDER**

2 **IT IS HEREBY ORDERED** that Pharmacy Permit No. PHY 55522 issued to Respondent
3 St. Cyril, Inc., dba RE Community Pharmacy and Pharmacy Permit No. PHY 56970 issued to
4 Respondent Han.Sam Corp., dba RE Pharmacy, are surrendered and accepted by the Board.

5 1. The surrender of Respondents St. Cyril, Inc., dba RE Community Pharmacy’s and
6 Han.Sam Corp., dba RE Pharmacy’s Pharmacy Licenses and the acceptance of the surrendered
7 licenses by the Board shall constitute the imposition of discipline against Respondents St. Cyril,
8 Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE Pharmacy. This stipulation shall
9 constitute a record of discipline and shall become part of Respondent St. Cyril, dba RE
10 Community Pharmacy’s and Han.Sam Corp., dba RE Pharmacy’s license history with the Board.
11 Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba RE
12 Pharmacy understand and acknowledge that for purposes of Business and Professions Code
13 section 4307, this stipulated surrender is the same as a revocation.

14 2. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba
15 RE Pharmacy shall lose all rights and privileges as pharmacies in California as of the effective
16 date of the Board’s decision and Order to the extent not previously lost.

17 3. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba
18 RE Pharmacy understand and agree that if they ever file an application for licensure of a licensed
19 premises or a petition for reinstatement in the State of California, the Board shall treat the
20 application or petition as a new application for licensure.

21 4. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba
22 RE Pharmacy may not reapply for any license from the Board for three (3) years from the
23 effective date of this decision. They stipulate that should they apply for any license from the
24 Board on or after the effective date of this decision, all allegations set forth in First Amended
25 Accusation Nos. 6934 and 6935 shall be deemed to be true, correct and admitted by the applicant
26 when the Board determines whether to grant or deny an application.

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1 5. If either Respondent St. Cyril, Inc., dba RE Community Pharmacy or Respondent
2 Han.Sam Corp., dba RE Pharmacy applies for any license form the Board, it shall satisfy all
3 requirements applicable to that license as of the date the application is submitted to the Board.

4 6. If either Respondent St. Cyril, Inc., dba RE Community Pharmacy or Respondent
5 Han.Sam Corp., dba RE Pharmacy ever applies or reapplies for a license or certification by any
6 other health care licensing agency in the State of California, all of the charges and allegations
7 contained in First Amended Accusation Nos. 6934 and 6935 shall be deemed to be true, correct,
8 and admitted by them for the purpose of any Statement of Issues or any other proceeding seeking
9 to deny or restrict licensure.

10 7. Respondents St. Cyril, Inc., dba RE Community Pharmacy and Han.Sam Corp., dba
11 RE Pharmacy shall relinquish their respective pharmacy permits, and any indicia of licensure by
12 the Board, including but not limited to wall and renewal license certificates, within five (5) days
13 of the effective date of this decision.

14 **IT IS FURTHER HEREBY ORDERED** that the denials of the applications for a
15 pharmacy license by St. Cyril, Inc., dba Camino Capistrano Pharmacy, a wholesaler license by
16 ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and a pharmacy license by Mia
17 Care, Inc. dba Mia Care Pharmacy, are hereby affirmed and made final, as of the effective date of
18 this decision, and this will finally resolve Statement of Issues Case Nos. 7022, 6929 and 7102.

19 **IT IS FURTHER HEREBY ORDERED** that Pharmacy Permit No. PHY 49157 issued to
20 Respondent Han.Sam Corp., dba River’s Edge Pharmacy is revoked. However, the revocation is
21 stayed and Respondent is placed on probation for four (4) years on the following terms and
22 conditions.

23 1. **Definition: Respondent**

24 For the purposes of these terms and conditions numbers 1-19, pages 10-17, “respondent”
25 shall refer to Han.Sam Corp., dba River’s Edge Pharmacy. All terms and conditions stated herein
26 shall bind and be applicable to the licensed premises and to all owners, managers, officers,
27 administrators, members, directors, trustees, associates, or partners thereof. For purposes of
28 compliance with any term or condition, any report, submission, filing, payment, or appearance

1 required to be made by respondent to or before the board or its designee shall be made by an
2 owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

3 **2. Obey All Laws**

4 Respondent shall obey all state and federal laws and regulations.

5 Respondent shall report any of the following occurrences to the board, in writing, within
6 seventy-two (72) hours of such occurrence:

- 7 • an arrest or issuance of a criminal complaint for violation of any provision of the
8 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
9 substances laws;
- 10 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal
11 criminal proceeding to any criminal complaint, information or indictment;
- 12 • a conviction of any crime; or
- 13 • discipline, citation, or other administrative action filed by any state or federal agency
14 which involves respondent's pharmacy license or which is related to the practice of
15 pharmacy or the manufacturing, obtaining, handling or distributing, billing, or charging
16 for any dangerous drug, and/or dangerous device or controlled substance.

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

18 **3. Report to the Board**

19 Respondent shall report to the board quarterly, on a schedule as directed by the board or its
20 designee. The report shall be made either in person or in writing, as directed. Among other
21 requirements, respondent shall state in each report under penalty of perjury whether there has
22 been compliance with all the terms and conditions of probation. Failure to submit timely reports
23 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
24 in submission of reports as directed may be added to the total period of probation. Moreover, if
25 the final probation report is not made as directed, probation shall be automatically extended until
26 such time as the final report is made and accepted by the board.

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1 **4. Interview with the Board**

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

7 **5. Cooperate with Board Staff**

8 Respondent shall timely cooperate with the board's inspection program and with the board's
9 monitoring and investigation of respondent's compliance with the terms and conditions of the
10 probation, including but not limited to: timely responses to requests for information by board
11 staff; timely compliance with directives from board staff regarding requirements of any term or
12 condition of probation; and timely completion of documentation pertaining to a term or condition
13 of probation. Failure to timely cooperate shall be considered a violation of probation.

14 **6. Reimbursement of Board Costs**

15 As a condition precedent to successful completion of probation, respondent shall pay to the
16 board its costs of investigation and prosecution in the amount of \$70,000.00 and shall be jointly
17 and severally liable for those costs with Hany Samuel Benjamin and Genevieve Sabry Benjamin.
18 Respondent shall be permitted to pay these costs in a payment plan approved by the board or its
19 designee, so long as full payment is completed no later than one (1) year prior to the end date of
20 probation.

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

24 **7. Probation Monitoring Costs**

25 Respondent shall pay any costs associated with probation monitoring as determined by the
26 board each and every year of probation. Such costs shall be payable to the board on a schedule as
27 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall
28 be considered a violation of probation.

1 **8. Status of License**

2 Respondent shall, at all times while on probation, maintain a current pharmacy permit with
3 the board. Failure to maintain current licensure shall be considered a violation of probation.

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

8 **9. License Surrender While on Probation/Suspension**

9 Following the effective date of this decision, should respondent wish to discontinue
10 business, respondent may tender the premises license to the board for surrender. The board or its
11 designee shall have the discretion whether to grant the request for surrender or take any other
12 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
13 license, respondent will no longer be subject to the terms and conditions of probation.

14 Respondent may not apply for any new license from the board for three (3) years from the
15 effective date of the surrender. Respondent shall meet all requirements applicable to the license
16 sought as of the date the application for that license is submitted to the board.

17 Respondent further stipulates that it shall reimburse the board for its costs of investigation
18 and prosecution prior to the acceptance of the surrender.

19 Upon acceptance of the surrender, respondent shall relinquish the premises wall and
20 renewal license to the board within ten (10) days of notification by the board that the surrender is
21 accepted. Respondent shall further submit a completed Discontinuance of Business form
22 according to board guidelines and shall notify the board of the records inventory transfer within
23 five (5) days. Respondent shall further arrange for the transfer of all records of acquisition and
24 disposition of dangerous drugs and/or devices to premises licensed and approved by the board.

25 Respondent shall also, by the effective date of this decision, arrange for the continuation of
26 care for ongoing patients of the pharmacy by, at minimum, providing a written notice to ongoing
27 patients that specifies the anticipated closing date of the pharmacy and that identifies one or more
28 area pharmacies capable of taking up the patients' care, and by cooperating as may be necessary

1 in the transfer of records or prescriptions for ongoing patients. Within five days of its provision to
2 the pharmacy's ongoing patients, Respondent shall provide a copy of the written notice to the
3 board. For the purposes of this provision, "ongoing patients" means those patients for whom the
4 pharmacy has on file a prescription with one or more refills outstanding, or for whom the
5 pharmacy has filled a prescription within the preceding sixty (60) days.

6 Respondent may not apply for any new license from the board for three (3) years from the
7 effective date of the surrender. Respondent shall meet all requirements applicable to the license
8 sought as of the date the application for that license is submitted to the board.

9 Respondent further stipulates that it shall reimburse the board for its costs of investigation
10 and prosecution prior to the acceptance of the surrender.

11 **10. Sale or Discontinuance of Business**

12 During the period of probation, should respondent sell, trade or transfer all or part of the
13 ownership of the licensed entity, discontinue doing business under the license issued to
14 respondent, or should practice at that location be assumed by another full or partial owner,
15 person, firm, business, or entity, under the same or a different premises license number, the board
16 or its designee shall have the sole discretion to determine whether to exercise continuing
17 jurisdiction over the licensed location, under the current or new premises license number, and/or
18 carry the remaining period of probation forward to be applicable to the current or new premises
19 license number of the new owner.

20 **11. Notice to Employees**

21 Respondent shall, upon or before the effective date of this decision, ensure that all
22 employees involved in permit operations are made aware of all the terms and conditions of
23 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.
24 If the notice required by this provision is posted, it shall be posted in a prominent place and shall
25 remain posted throughout the probation period. Respondent shall ensure that any employees hired
26 or used after the effective date of this decision are made aware of the terms and conditions of
27 probation by posting a notice, circulating a notice, or both. Additionally, respondent shall submit
28 written notification to the board, within fifteen (15) days of the effective date of this decision, that

1 this term has been satisfied. Failure to timely provide such notification to employees, or to timely
2 submit such notification to the board shall be considered a violation of probation.

3 "Employees" as used in this provision includes all full-time, part-time, volunteer,
4 temporary, and relief employees and independent contractors employed or hired at any time
5 during probation.

6 **12. Owners and Officers: Knowledge of the Law**

7 Respondent shall provide, within thirty (30) days after the effective date of this decision,
8 signed and dated statements from its owners, including any owner or holder of ten percent (10%)
9 or more of the interest in respondent or respondent's stock, and all of its officer, stating under
10 penalty of perjury that said individuals have read and are familiar with state and federal laws and
11 regulations governing the practice of pharmacy. The failure to timely provide said statements
12 under penalty of perjury shall be considered a violation of probation.

13 **13. Premises Open for Business**

14 Respondent shall remain open and engaged in its ordinary business as a pharmacy in
15 California for a minimum of 100 hours per calendar month. Any month during which this
16 minimum is not met shall toll the period of probation, i.e., the period of probation shall be
17 extended by one month for each month during with this minimum is not met. During any such
18 period of tolling of probation, respondent must nonetheless comply with all terms and conditions
19 of probation, unless respondent is informed otherwise in writing by the board or its designee. If
20 respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 100
21 hours in any calendar month, for any reason (including vacation), respondent shall notify the
22 board in writing within ten (10) days of the conclusion of that calendar month. This notification
23 shall include at minimum all of the following: the date(s) and hours respondent was open; the
24 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on
25 which respondent will resume business as required. Respondent shall further notify the board in
26 writing with ten (10) days following the next calendar month during which respondent is open
27 and engaged in its ordinary business as a pharmacy in California for a minimum of 100 hours.
28 Any failure to timely provide such notification(s) shall be considered a violation of probation.

1 **14. Posted Notice of Probation**

2 Respondent shall prominently post a probation notice provided by the board or its designee
3 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from
4 the board or its designee. Failure to timely post such notice, or to maintain the posting during the
5 entire period of probation, shall be considered a violation of probation.

6 Respondent shall not, directly or indirectly, engage in any conduct or make any statement
7 which is intended to mislead or is likely to have the effect of misleading any patient, customer,
8 member of the public, or other person(s) as to the nature of and reason for the probation of the
9 licensed entity.

10 **15. Violation of Probation**

11 If a respondent has not complied with any term or condition of probation, the board shall
12 have continuing jurisdiction over respondent, and probation shall be automatically extended, until
13 all terms and conditions have been satisfied or the board has taken other action as deemed
14 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
15 to impose the penalty that was stayed.

16 If respondent violates probation in any respect, the board, after giving respondent notice
17 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
18 was stayed. If a petition to revoke probation or an accusation is filed against respondent during
19 probation, the board shall have continuing jurisdiction and the period of probation shall be
20 automatically extended until the petition to revoke probation or accusation is heard and decided,
21 and the charges and allegations in First Amended Accusation Nos. 6934 and 6935 shall be
22 deemed true and correct.

23 **16. Completion of Probation**

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

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1 **17. No Additional Ownership or Management of Licensed Premises**

2 Respondent shall not acquire any additional ownership, legal or beneficial interest in, nor
3 serve as a manager, administrator, member, officer, director, associate, partner or any business,
4 firm, partnership, or corporation currently or hereinafter licensed by the board except as approved
5 by the board or its designee. Violations of this restriction shall be considered a violation of
6 probation.

7 **18. Administrative Fine**

8 Respondent shall pay an administrative fine to the Board in the amount of \$10,000.00.
9 Respondent shall have ninety (90) days from the effective date of this Decision and Order to pay
10 the administrative fine. Failure to pay the administrative fine as ordered, shall be considered a
11 violation of probation.

12 **19. Consultant Review of Pharmacy Operations**

13 Respondent shall retain, at its own expense, an independent consultant who shall review the
14 operations of the facility, during the period of probation, on a monthly basis for compliance of the
15 facility with state and federal laws and regulations governing the practice of pharmacy, and
16 compliance by respondent. The consultant shall provide the board with an inspection agenda for
17 approval prior to conducting the inspection. Any inspection conducted without prior approval of
18 the inspection agenda shall not be accepted. The consultant shall also provide the board with
19 reports documenting the inspection. The reports shall be provided directly to the board, and
20 receive confirmation of receipt from the board, prior to providing to the respondent. Should the
21 board determine that the consultant is not appropriately assessing the operations of respondent, or
22 providing the appropriate written reports, the board shall require respondent to obtain a different
23 consultant through the same process outlined above, by submitting a new name of an expert
24 within sixty (60) days of respondent being notified of the need for a new consultant. During the
25 period of probation, the board shall retain discretion to reduce the frequency of the consultant's
26 review.

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1 Respondent shall submit the name of the proposed consultant for approval within thirty (30)
2 days of the effective date of this decision. The consultant shall be a pharmacist licensed by and
3 not on probation with the board or other professional as appropriate and not on probation with the
4 board, who has been approved by the board to serve in this position. The consultant shall have
5 sufficient education, training, and professional experience to be able to provide guidance to
6 respondent related to the causes for discipline in Case Nos. 6934 and 6935. Assumption of any
7 unauthorized supervision responsibilities shall be considered a violation of probation.

8 Failure to seek approval for, timely retain, or ensure timely reporting by the
9 consultant shall be considered a violation of probation.

10 **IT IS FURTHER HEREBY ORDERED** that Pharmacist License No. RPH 58261 issued
11 to Respondent Hany Samuel Benjamin is revoked. However, the revocation is stayed and Hany
12 Benjamin is placed on probation for four (4) years on the following terms and conditions:

13 1. **Obey All Laws**

14 Respondent Hany Benjamin shall obey all state and federal laws and regulations.

15 Respondent Hany Benjamin shall report any of the following occurrences to the board, in
16 writing, within seventy- two (72) hours of such occurrence:

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

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

1 **2. Report to the Board**

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

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

11 **3. Interview with the Board**

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

17 **4. Cooperate with Board Staff**

18 Respondent Hany Benjamin shall timely cooperate with the board's inspection program and
19 with the board's monitoring and investigation of respondent's compliance with the terms and
20 conditions of his probation, including but not limited to: timely responses to requests for
21 information by board staff; timely compliance with directives from board staff regarding
22 requirements of any term or condition of probation; and timely completion of documentation
23 pertaining to a term or condition of probation. Failure to timely cooperate shall be considered a
24 violation of probation.

25 **5. Continuing Education**

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

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1 **6. Reporting of Employment and Notice to Employers**

2 During the period of probation, respondent Hany Benjamin shall notify all present and
3 prospective employers of the decision in case number 6934 and 6935 and the terms, conditions
4 and restrictions imposed on respondent by the decision, as follows:

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

17 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
18 respondent Hany Benjamin undertaking any new employment, respondent Hany Benjamin shall
19 cause (a) his direct supervisor, (b) his pharmacist-in-charge, designated representative-in-charge,
20 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
21 of his employer, to report to the board in writing acknowledging that the listed individual(s)
22 has/have read the decision in case numbers 6934 and 6935, and terms and conditions imposed
23 thereby. If one person serves in more than one role described in (a), (b), or (c), the
24 acknowledgment shall so state. It shall be the respondent's responsibility to ensure that these
25 acknowledgment(s) are timely submitted to the board. In the event of a change in the person(s)
26 serving the role(s) described in (a), (b), or (c) during the term of probation, respondent Hany
27 Benjamin shall cause the person(s) taking over the role(s) to report to the board in writing within
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1 fifteen (15) days of the change acknowledging that he or she has read the decision in case
2 numbers 6934 and 6935, and the terms and conditions imposed thereby.

3 If respondent Hany Benjamin works for or is employed by or through an employment
4 service, respondent Hany Benjamin must notify the person(s) described in (a), (b), and (c) above
5 at every entity licensed by the board of the decision in case numbers 6934 and 6935, and the
6 terms and conditions imposed thereby in advance of respondent Hany Benjamin commencing
7 work at such licensed entity. A record of this notification must be provided to the board upon
8 request.

9 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
10 (15) days of respondent Hany Benjamin undertaking any new employment by or through an
11 employment service, respondent shall cause the person(s) described in (a), (b), and (c) above at
12 the employment service to report to the board in writing acknowledging that he or she has read
13 the decision in case number, and the terms and conditions imposed thereby. It shall be
14 respondent Hany Benjamin's responsibility to ensure that these acknowledgment(s) are timely
15 submitted to the board.

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

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

23 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

24 Respondent Hany Benjamin shall further notify the board in writing within ten (10) days of
25 any change in name, residence address, mailing address, e-mail address or phone number.

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

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1 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

2 During the period of probation, respondent Hany Benjamin shall not supervise any intern
3 pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible
4 manager or other compliance supervisor of any entity licensed by the board, nor serve as a
5 consultant. Assumption of any such unauthorized supervision responsibilities shall be considered
6 a violation of probation.

7 **9. Reimbursement of Board Costs**

8 As a condition precedent to successful completion of probation, respondent Hany Benjamin
9 shall pay to the board its costs of investigation and prosecution in the amount of \$70,000.00 in a
10 payment plan to be approved by the Board or its designee and shall be jointly and severally liable
11 for those costs with Genevieve Sabry Benjamin and Respondent Han.Sam Corp., dba, River's
12 Edge Pharmacy.

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

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

19 **10. Probation Monitoring Costs**

20 Respondent Hany Benjamin shall pay any costs associated with probation monitoring as
21 determined by the board each and every year of probation. Such costs shall be payable to the
22 board on a schedule as directed by the board or its designee. Failure to pay such costs by the
23 deadline(s) as directed shall be considered a violation of probation.

24 **11. Status of License**

25 Respondent Hany Benjamin shall, at all times while on probation, maintain an active,
26 current Pharmacist License with the board, including any period during which suspension or
27 probation is tolled. Failure to maintain an active, current Pharmacist License shall be considered
28 a violation of probation.

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

5 **12. License Surrender While on Probation/Suspension**

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

15 Upon acceptance of the surrender, respondent Hany Benjamin shall relinquish his pocket
16 and/or wall license, including any indicia of licensure not previously provided to the board within
17 ten (10) days of notification by the board that the surrender is accepted if not already provided.
18 Respondent Hany Benjamin may not reapply for any license from the board for three (3) years
19 from the effective date of the surrender. Respondent Hany Benjamin shall meet all requirements
20 applicable to the license sought as of the date the application for that license is submitted to the
21 board, including any outstanding costs.

22 **13. Practice Requirement – Extension of Probation**

23 Except during periods of suspension, respondent Hany Benjamin shall, at all times while on
24 probation, be employed as a pharmacist in California for a minimum of 80 hours per calendar
25 month. Any month during which this minimum is not met shall extend the period of probation by
26 one month. During any such period of insufficient employment, respondent Hany Benjamin must
27 nonetheless comply with all terms and conditions of probation, unless respondent receives a
28 waiver in writing from the board or its designee.

1 If respondent Hany Benjamin does not practice as a pharmacist in California for the
2 minimum number of hours in any calendar month, for any reason (including vacation),
3 respondent shall notify the board in writing within ten (10) days of the conclusion of that calendar
4 month. This notification shall include at least: the date(s), location(s), and hours of last practice;
5 the reason(s) for the interruption or reduction in practice; and the anticipated date(s) on which
6 respondent will resume practice at the required level. Respondent Hany Benjamin shall further
7 notify the board in writing within ten (10) days following the next calendar month during which
8 respondent practices as a pharmacist in California for the minimum of hours. Any failure to
9 timely provide such notification(s) shall be considered a violation of probation.

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

14 **14. Violation of Probation**

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

22 If respondent Hany Benjamin violates probation in any respect, the board, after giving
23 respondent notice and an opportunity to be heard, may revoke probation and carry out the
24 disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed
25 against respondent Hany Benjamin during probation, or the preparation of an accusation or
26 petition to revoke probation is requested from the Office of the Attorney General, the board shall
27 have continuing jurisdiction and the period of probation shall be automatically extended until the
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1 petition to revoke probation or accusation is heard and decided, and the charges and allegations in
2 First Amended Accusation Nos. 6934 and 6935 shall be deemed true and correct.

3 **15. Completion of Probation**

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

6 **16. Ethics Course**

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

16 **17. No Ownership or Management of Licensed Premises**

17 Respondent Hany Benjamin shall not acquire any new ownership, legal or beneficial
18 interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or
19 partner of any additional business, firm, partnership, or corporation licensed by the board. If
20 respondent Hany Benjamin currently owns or has any legal or beneficial interest in, or serves as a
21 manager, administrator, member, officer, director, trustee, associate, or partner of any business,
22 firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may
23 continue to serve in such capacity or hold that interest, but only to the extent of that position or
24 interest as of the effective date of this decision. Violation of this restriction shall be considered a
25 violation of probation.

26 **IT IS FURTHER HEREBY ORDERED** that Pharmacist License No. RPH 58193 issued
27 to Respondent Genevieve Sabry Benjamin is revoked. However, the revocation is stayed and
28 Genevieve Benjamin is placed on probation for four (4) years on the following terms and

1 conditions:

2 **1. Obey All Laws**

3 Respondent Genevieve Benjamin shall obey all state and federal laws and regulations.

4 Respondent Genevieve Benjamin shall report any of the following occurrences to the board,
5 in writing, within seventy- two (72) hours of such occurrence:

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

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

18 **2. Report to the Board**

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

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

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1 **3. Interview with the Board**

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

8 **4. Cooperate with Board Staff**

9 Respondent Genevieve Benjamin shall timely cooperate with the board's inspection
10 program and with the board's monitoring and investigation of respondent Genevieve Benjamin's
11 compliance with the terms and conditions of her probation, including but not limited to: timely
12 responses to requests for information by board staff; timely compliance with directives from
13 board staff regarding requirements of any term or condition of probation; and timely completion
14 of documentation pertaining to a term or condition of probation. Failure to timely cooperate shall
15 be considered a violation of probation.

16 **5. Continuing Education**

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

19 **6. Reporting of Employment and Notice to Employers**

20 During the period of probation, respondent Genevieve Benjamin shall notify all present and
21 prospective employers of the decision in case number 6934 and 6935 and the terms, conditions
22 and restrictions imposed on respondent by the decision, as follows:

23 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
24 undertaking any new employment, respondent Genevieve Benjamin shall report to the board in
25 writing the name, physical address, and mailing address of each of her employer(s), and the
26 name(s) and telephone number(s) of all of her direct supervisor(s), as well as any pharmacist(s)-
27 in- charge, designated representative(s)-in-charge, responsible manager, or other compliance
28 supervisor(s) and the work schedule, if known. Respondent Genevieve Benjamin shall also

1 include the reason(s) for leaving the prior employment. Respondent Genevieve Benjamin shall
2 sign and return to the board a written consent authorizing the board or its designee to
3 communicate with all of respondent Genevieve Benjamin's employer(s) and supervisor(s), and
4 authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
5 concerning respondent's work status, performance, and monitoring. Failure to comply with the
6 requirements or deadlines of this condition shall be considered a violation of probation.

7 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
8 respondent Genevieve Benjamin undertaking any new employment, respondent shall cause (a)
9 her direct supervisor, (b) her pharmacist-in-charge, designated representative-in-charge,
10 responsible manager, or other compliance supervisor, and (c) the owner or owner representative
11 of her employer, to report to the board in writing acknowledging that the listed individual(s)
12 has/have read the decision in case numbers 6934 and 6935, and terms and conditions imposed
13 thereby. If one person serves in more than one role described in (a), (b), or (c), the
14 acknowledgment shall so state. It shall be respondent Genevieve Benjamin's responsibility to
15 ensure that these acknowledgment(s) are timely submitted to the board. In the event of a change
16 in the person(s) serving the role(s) described in (a), (b), or (c) during the term of probation,
17 respondent Genevieve Benjamin shall cause the person(s) taking over the role(s) to report to the
18 board in writing within fifteen (15) days of the change acknowledging that she has read the
19 decision in case numbers 6934 and 6935, and the terms and conditions imposed thereby.

20 If respondent Genevieve Benjamin works for or is employed by or through an employment
21 service, respondent must notify the person(s) described in (a), (b), and (c) above at every entity
22 licensed by the board of the decision in case numbers 6934 and 6935, and the terms and
23 conditions imposed thereby in advance of respondent commencing work at such licensed entity.
24 A record of this notification must be provided to the board upon request.

25 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
26 (15) days of respondent Genevieve Benjamin undertaking any new employment by or through an
27 employment service, respondent Genevieve Benjamin shall cause the person(s) described in (a),
28 (b), and (c) above at the employment service to report to the board in writing acknowledging that

1 she has read the decision in case number, and the terms and conditions imposed thereby. It shall
2 be respondent Genevieve Benjamin's responsibility to ensure that these acknowledgment(s) are
3 timely submitted to the board.

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

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

11 **7. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

12 Respondent Genevieve Benjamin shall further notify the board in writing within ten (10)
13 days of any change in name, residence address, mailing address, e-mail address or phone number.

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

16 **8. Restrictions on Supervision and Oversight of Licensed Facilities**

17 During the period of probation, respondent Genevieve Benjamin shall not supervise any
18 intern pharmacist, be the pharmacist-in-charge, designated representative-in-charge, responsible
19 manager or other compliance supervisor of any entity licensed by the board, nor serve as a
20 consultant. Assumption of any such unauthorized supervision responsibilities shall be considered
21 a violation of probation.

22 **9. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent Genevieve
24 Benjamin shall pay to the board its costs of investigation and prosecution in the amount of
25 \$70,000, in a payment plan to be approved by the Board or its designee and be jointly and
26 severally liable for those costs with Hany Samuel Benjamin and Respondent Han.Sam Corp., dba,
27 River's Edge Pharmacy.

28 ///

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

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

7 **10. Probation Monitoring Costs**

8 Respondent Genevieve Benjamin shall pay any costs associated with probation monitoring
9 as determined by the board each and every year of probation. Such costs shall be payable to the
10 board on a schedule as directed by the board or its designee. Failure to pay such costs by the
11 deadline(s) as directed shall be considered a violation of probation.

12 **11. Status of License**

13 Respondent Genevieve Benjamin shall, at all times while on probation, maintain an active,
14 current Pharmacist License with the board, including any period during which suspension or
15 probation is tolled. Failure to maintain an active, current Pharmacist License shall be considered
16 a violation of probation.

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

22 **12. License Surrender While on Probation/Suspension**

23 Following the effective date of this decision, should respondent Genevieve Benjamin cease
24 practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of
25 probation, respondent Genevieve Benjamin may relinquish her license, including any indicia of
26 licensure issued by the board, along with a request to surrender the license. The board or its
27 designee shall have the discretion whether to accept the surrender or take any other action it
28 deems appropriate and reasonable. Upon formal acceptance of the surrender of the license,

1 respondent Genevieve Benjamin will no longer be subject to the terms and conditions of
2 probation. This surrender constitutes a record of discipline and shall become a part of the
3 respondent's license history with the board.

4 Upon acceptance of the surrender, respondent Genevieve Benjamin shall relinquish his
5 pocket and/or wall license, including any indicia of licensure not previously provided to the board
6 within ten (10) days of notification by the board that the surrender is accepted if not already
7 provided. Respondent Genevieve Benjamin may not reapply for any license from the board for
8 three (3) years from the effective date of the surrender. Respondent Genevieve Benjamin shall
9 meet all requirements applicable to the license sought as of the date the application for that
10 license is submitted to the board, including any outstanding costs.

11 **13. Practice Requirement – Extension of Probation**

12 Except during periods of suspension, respondent Genevieve Benjamin shall, at all times
13 while on probation, be employed as a pharmacist in California for a minimum of 80 hours per
14 calendar month. Any month during which this minimum is not met shall extend the period of
15 probation by one month. During any such period of insufficient employment, respondent
16 Genevieve Benjamin must nonetheless comply with all terms and conditions of probation, unless
17 respondent Genevieve Benjamin receives a waiver in writing from the board or its designee.

18 If respondent Genevieve Benjamin does not practice as a pharmacist in California for the
19 minimum number of hours in any calendar month, for any reason (including vacation),
20 respondent Genevieve Benjamin shall notify the board in writing within ten (10) days of the
21 conclusion of that calendar month. This notification shall include at least: the date(s), location(s),
22 and hours of last practice; the reason(s) for the interruption or reduction in practice; and the
23 anticipated date(s) on which respondent will resume practice at the required level. Respondent
24 Genevieve Benjamin shall further notify the board in writing within ten (10) days following the
25 next calendar month during which respondent Genevieve Benjamin practices as a pharmacist in
26 California for the minimum of hours. Any failure to timely provide such notification(s) shall be
27 considered a violation of probation.

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

5 **14. Violation of Probation**

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

13 If respondent Genevieve Benjamin violates probation in any respect, the board, after giving
14 respondent notice and an opportunity to be heard, may revoke probation and carry out the
15 disciplinary order that was stayed. If a petition to revoke probation or an accusation is filed
16 against respondent during probation, or the preparation of an accusation or petition to revoke
17 probation is requested from the Office of the Attorney General, the board shall have continuing
18 jurisdiction and the period of probation shall be automatically extended until the petition to
19 revoke probation or accusation is heard and decided, and the charges and allegations in First
20 Amended Accusation Nos. 6934 and 6935 shall be deemed true and correct.

21 **15. Completion of Probation**

22 Upon written notice by the board or its designee indicating successful completion of
23 probation, respondent Genevieve Benjamin's license will be fully restored.

24 **16. Ethics Course**

25 Within sixty (60) calendar days of the effective date of this decision, respondent Genevieve
26 Benjamin shall enroll in a course in ethics, at respondent Genevieve Benjamin's expense,
27 approved in advance by the board or its designee that complies with Title 16 California Code of
28 Regulations section 1773.5. Respondent Genevieve Benjamin shall provide proof of enrollment

1 upon request. Within five (5) days of completion, respondent Genevieve Benjamin shall submit a
2 copy of the certificate of completion to the board or its designee. Failure to timely enroll in an
3 approved ethics course, to initiate the course during the first year of probation, to successfully
4 complete it before the end of the second year of probation, or to timely submit proof of
5 completion to the board or its designee, shall be considered a violation of probation.

6 **17. No Ownership or Management of Licensed Premises**

7 Respondent Genevieve Benjamin shall not acquire any new ownership, legal or beneficial
8 interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or
9 partner of any additional business, firm, partnership, or corporation licensed by the board. If
10 respondent Genevieve Benjamin currently owns or has any legal or beneficial interest in, or
11 serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any
12 business, firm, partnership, or corporation currently or hereinafter licensed by the board,
13 respondent Genevieve Benjamin may continue to serve in such capacity or hold that interest, but
14 only to the extent of that position or interest as of the effective date of this decision. Violation of
15 this restriction shall be considered a violation of probation.

16 **ACCEPTANCE**

17 I, Hany Samuel Benjamin, a shareholder, director and/or officer of Han.Sam Corp., dba RE
18 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy and ReSell Pharmaceuticals, Inc.,
19 Han.Sam Corp., Sole Member, am acting on those entities' behalf and in my individual capacity.
20 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
21 discussed it with my counsel, Adam B. Brown. I understand the stipulation and the effect it will
22 have on my Pharmacist License, on the Permits issued to Han.Sam Corp., dba RE Pharmacy and
23 Han.Sam Corp., dba River's Edge Pharmacy and on the application filed by ReSell
24 Pharmaceuticals, Inc., Han.Sam Corp., Sole Member.

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1 On behalf of myself and on behalf of the above-listed entities as their authorized representative, I
2 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
3 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

4
5 DATED: _____

HANY SAMUEL BENJAMIN for himself and for
HAN.SAM CORP., DBA RE PHARMACY,
HAN.SAM. CORP., DBA RIVER'S EDGE
PHARMACY and RESELL PHARMACEUTICALS,
LLC, HAN.SAM, SOLE MEMBER
Respondents

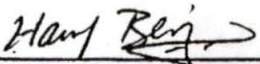
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10 I, Genevieve Sabry Benjamin, a shareholder, director and/or officer of St. Cyril, Inc., dba
11 RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy, am acting on
12 their behalf and in my individual capacity. I have carefully read the above Stipulated Settlement
13 and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I
14 understand the stipulation and the effect it will have on my Pharmacist License, on the Permit
15 issued to St. Cyril, Inc., dba RE Community Pharmacy and on the application filed by St. Cyril,
16 Inc., dba Camino Capistrano Pharmacy. On behalf of myself and on behalf of St. Cyril, Inc. dba
17 RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy as their
18 authorized representative, I enter into this Stipulated Settlement and Disciplinary Order
19 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
20 Board of Pharmacy.

21
22 DATED: _____

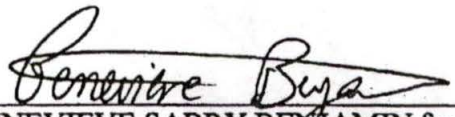
23 GENEVIEVE SABRY BENJAMIN for herself and for
24 ST. CYRIL, INC., DBA RE COMMUNITY
25 PHARMACY and ST. CYRIL, INC., DBA CAMINO
26 CAPISTRANO PHARMACY
Respondents

1 On behalf of myself and on behalf of the above-listed entities as their authorized representative, I
2 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
3 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

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DATED: 6/6/2022 
HANY SAMUEL BENJAMIN for himself and for
HAN.SAM CORP., DBA RE PHARMACY,
HAN.SAM. CORP., DBA RIVER'S EDGE
PHARMACY and RESELL PHARMACEUTICALS,
LLC, HAN.SAM, SOLE MEMBER
Respondents

I, Genevieve Sabry Benjamin, a shareholder, director and/or officer of St. Cyril, Inc., dba
RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy, am acting on
their behalf and in my individual capacity. I have carefully read the above Stipulated Settlement
and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown. I
understand the stipulation and the effect it will have on my Pharmacist License, on the Permit
issued to St. Cyril, Inc., dba RE Community Pharmacy and on the application filed by St. Cyril,
Inc., dba Camino Capistrano Pharmacy. On behalf of myself and on behalf of St. Cyril, Inc. dba
RE Community Pharmacy and St. Cyril, Inc., dba Camino Capistrano Pharmacy as their
authorized representative, I enter into this Stipulated Settlement and Disciplinary Order
voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
Board of Pharmacy.

DATED: 6-6-2022 
GENEVIEVE SABRY BENJAMIN for herself and for
ST. CYRIL, INC., DBA RE COMMUNITY
PHARMACY and ST. CYRIL, INC., DBA CAMINO
CAPISTRANO PHARMACY
Respondents

1 I, Mervet Mecheal Abdelmalik, a shareholder, director and/or officer of Mia Care, Inc., dba
2 Mia Care Pharmacy, Inc. am acting on its behalf. I have carefully read the above Stipulated
3 Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown.
4 I understand the stipulation and the effect it will have on the application filed by Mia Care, Inc.,
5 dba Mia Care Pharmacy. On behalf of Mia Care, Inc., dba Mia Care Pharmacy, as its authorized
6 representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
8 Pharmacy.

9
10 DATED: _____

_____ MERVET MECHEAL ABDELMALIK for MIA
CARE, INC., DBA MIA CARE PHARMACY
Respondent

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12
13 I have read and fully discussed with Respondents St. Cyril, Inc., dba RE Community
14 Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy,
15 Hany Samuel Benjamin, Genevieve Sabry Benjamin, St. Cyril, Inc., dba Camino Capistrano
16 Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba
17 Mia Care Pharmacy, the terms and conditions and other matters contained in the above Stipulated
18 Settlement and Disciplinary Order. I approve its form and content.

19
20
21 DATED: _____

_____ ADAM B. BROWN
Attorney for Respondents

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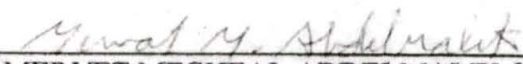
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1 I, Mervet Mecheal Abdelmalik, a shareholder, director and/or officer of Mia Care, Inc., dba
2 Mia Care Pharmacy, Inc. am acting on its behalf. I have carefully read the above Stipulated
3 Settlement and Disciplinary Order and have fully discussed it with my counsel, Adam B. Brown.
4 I understand the stipulation and the effect it will have on the application filed by Mia Care, Inc.,
5 dba Mia Care Pharmacy. On behalf of Mia Care, Inc., dba Mia Care Pharmacy, as its authorized
6 representative, I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
7 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of
8 Pharmacy.

9
10 DATED: 06/06/2022 
11 MERVET MECHEAL ABDELMALIK for MIA
12 CARE, INC., DBA MIA CARE PHARMACY
Respondent

13 I have read and fully discussed with Respondents St. Cyril, Inc., dba RE Community
14 Pharmacy, Han.Sam Corp., dba RE Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy,
15 Hany Samuel Benjamin, Genevieve Sabry Benjamin, St. Cyril, Inc., dba Camino Capistrano
16 Pharmacy, ReSell Pharmaceuticals, LLC, Han.Sam Corp., Sole Member and Mia Care, Inc., dba
17 Mia Care Pharmacy, the terms and conditions and other matters contained in the above Stipulated
18 Settlement and Disciplinary Order. I approve its form and content.

19
20
21 DATED: 6-7-22 
22 ADAM B. BROWN
Attorney for Respondents

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ENDORSEMENT

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

DATED: _____

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

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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ENDORSEMENT

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

DATED: 6/7/22

Respectfully submitted,

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

DESIREE I. KELLOGG
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

**First Amended Accusation/First Amended Statements of Issues No. 6934, 6935, 7022, 6929
and 7102**

1 ROB BONTA
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 DESIREE I. KELLOGG
Deputy Attorney General
4 State Bar No. 126461
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9429
7 Facsimile: (619) 645-2061
Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case Nos. 6934 and 6935

14 **ST. CYRIL INC.,**
DBA RE COMMUNITY PHARMACY,
15 **GENEVIEVE BENJAMIN, OWNER,**
DIRECTOR AND OFFICER
16 **2571 W. La Palma Ave., #A**
Anaheim, CA 92801

FIRST AMENDED ACCUSATION

17 **Pharmacy Permit No. PHY 55522,**

18 **HAN.SAM CORP.,**
19 **DBA RE PHARMACY,**
HANY SAMUEL BENJAMIN, OWNER,
20 **DIRECTOR AND OFFICER**
2571 W. La Palma Avenue, Suite A
21 **Anaheim, CA 92801**

22 **Pharmacy Permit No. PHY 56970,**

23 **HAN.SAM CORP.,**
24 **DBA RIVERS EDGE PHARMACY**
HANY SAMUEL BENJAMIN, OWNER,
25 **DIRECTOR AND OFFICER**
36919 Cook Street, Suite 102
26 **Palm Desert, CA 92211**

27 **Pharmacy Permit No. PHY 49157,**
28

1 **HANY SAMUEL BENJAMIN**
2 **36919 Cook Street**
3 **Palm Desert, CA 92211**

4 **Pharmacist License No. RPH 58261,**

5 **GENEVIEVE SABRY BENJAMIN**
6 **1 Odessa**
7 **Foothill Ranch, CA 92610**

8 **Pharmacist License No. RPH 58193,**

9 **LISA NABIEH SMITH, AKA LISA**
10 **NABIEH LUTFI**
11 **11810 La Serna Dr.**
12 **Whittier, CA 90604**

13 **Pharmacist License No. RPH 69812,**

14 **and**

15 **FADI ATEF NASSAR EBEID**
16 **35782 Raphael Dr.**
17 **Palm Desert, CA 92211**

18 **Pharmacist License No. RPH 69962**

19 Respondents.

20 In the Matter of the Statement of Issues
21 Against:

22 **ST. CYRIL INC.,**
23 **DBA CAMINO CAPISTRANO**
24 **PHARMACY**

25 **Applicant for Pharmacy Permit**

26 Respondent.

27 In the Matter of the Statement of Issues
28 Against:

RESELL PHARMACEUTICALS, LLC,
HAN SAM CORP., SOLE MEMBER

Applicant for Wholesaler License

Respondent.

Case No. 7022

**FIRST AMENDED STATEMENT OF
ISSUES**

Case No. 6929

**FIRST AMENDED STATEMENT OF
ISSUES**

1 In the Matter of the Statement of Issues
2 Against:

3 **MIA CARE INC.,**
4 **DBA MIA CARE PHARMACY**

5 **Applicant for Pharmacy Permit**

6 Respondent.

Case No. 7102

**FIRST AMENDED STATEMENT OF
ISSUES**

7 **PARTIES**

8 1. Anne Sodergren (Complainant) brings this First Amended Accusation and Statements
9 of Issues solely in her official capacity as the Executive Officer of the Board of Pharmacy,
10 Department of Consumer Affairs (Board).

11 2. On or about February 15, 2017, the Board of Pharmacy issued Pharmacy Permit
12 Number PHY 55522 to St. Cyril Inc., doing business as RE Community Pharmacy (RE
13 Community Pharmacy). The Board cancelled the Pharmacy Permit on January 16, 2019.

14 3. On or about January 16, 2019, the Board of Pharmacy issued Pharmacy Permit
15 Number PHY 56970 to Han.Sam Corp., doing business as RE Pharmacy (RE Pharmacy). The
16 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
17 and expired on February 8, 2021. The Board cancelled the Pharmacy Permit on March 11, 2021
18 due to a discontinuance of business, effective February 8, 2021.

19 4. On or about September 15, 2008, the Board of Pharmacy issued Pharmacy Permit
20 Number PHY 49157 to Han.Sam Corp., doing business as River's Edge Pharmacy (River's Edge
21 Pharmacy). The Pharmacy Permit was in full force and effect at all times relevant to the charges
22 brought herein and will expire on September 1, 2022, unless renewed.

23 5. On or about May 9, 2006, the Board of Pharmacy issued Pharmacist License Number
24 RPH 58261 to Hany Samuel Benjamin (Hany Benjamin). The Pharmacist License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on October 31,
26 2023, unless renewed.

27 6. On or about March 20, 2006, the Board of Pharmacy issued Pharmacist License
28 Number RPH 58193 to Genevieve Sabry Benjamin (Genevieve Benjamin). The Pharmacist

1 License was in full force and effect at all times relevant to the charges brought herein and will
2 expire on April 30, 2024, unless renewed.

3 7. On or about September 30, 2013, the Board of Pharmacy issued Pharmacist License
4 Number RPH 69812 to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi (Lisa Smith). The Pharmacist
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on June 30, 2023, unless renewed.

7 8. On or about October 10, 2013, the Board of Pharmacy issued Pharmacist License
8 Number RPH 69962 to Fadi Atef Nassar Ebeid (Fadi Ebeid). The Pharmacist License was in full
9 force and effect at all times relevant to the charges brought herein and will expire on July 31,
10 2023, unless renewed.

11 9. On or about October 30, 2019, the Board received an application for a wholesaler
12 license from ReSell Pharmaceuticals, LLC with Han.Sam Corp. identified as the sole member of
13 ReSell Pharmaceuticals, LLC. Hany Benjamin was an owner of outstanding shares, and an
14 officer and Genevieve Benjamin was an officer and director of Han.Sam Corp. On or about
15 August 14, 2019, Genevieve Benjamin, on behalf of ReSell Pharmaceuticals, LLC certified under
16 penalty of perjury to the truthfulness of all statements, answers, and representations in the
17 application. On or about March 2, 2020, the Board denied ReSell Pharmaceuticals, LLC's
18 application.

19 10. On or about October 23, 2019, the Board received an application for a pharmacy
20 permit from St. Cyril, Inc. to do business as Camino Capistrano Pharmacy. On February 18,
21 2020, Camino Capistrano Pharmacy filed an amended application. Genevieve Benjamin was an
22 owner of outstanding shares, an officer and a director of St. Cyril, Inc. On or about July 29, 2019,
23 Genevieve Benjamin, on behalf of Camino Capistrano Pharmacy certified under penalty of
24 perjury to the truthfulness of all statements, answers, and representations in the application. On
25 or about August 4, 2020, the Board denied Camino Capistrano Pharmacy's application.

26 11. On or about November 18, 2020, the Board received an application for a pharmacy
27 permit from Mia Care, Inc. to do business as Mia Care Pharmacy. Genevieve Benjamin's mother,
28 Mervet Mecheal Abdelmalik was the sole owner of the outstanding shares, an officer and director

1 of Mia Care, Inc. and Genevieve Benjamin’s father, Sabry Shafik Abdelmalik was an officer of
2 Mia Care, Inc. On or about February 4, 2021, the Board denied Mia Care Pharmacy’s
3 application.

4 **JURISDICTION**

5 12. The First Amended Accusation and Statements of Issues are brought before the Board
6 under the authority of the following laws. All section references are to the Business and
7 Professions Code (Code) unless otherwise indicated.

8 13. Code section 4011 provides that the Board shall administer and enforce both the
9 Pharmacy Law (Bus. & Prof. Code, § 4000 *et seq.*) and the Uniform Controlled Substances Act
10 (Health & Safety Code, § 11000 *et seq.*).

11 14. Code section 4300, subdivision (a) provides that every license issued by the Board
12 may be suspended or revoked.

13 15. Code section 4300, subdivision (c) states:

14 The board may refuse a license to any applicant guilty of unprofessional
15 conduct. The board may, in its sole discretion, issue a probationary license to any
16 applicant for a license who is guilty of unprofessional conduct and who has met all
17 other requirements for licensure. . .

18 16. Code section 4300.1 states:

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

25 **STATUTORY AND REGULATORY PROVISIONS**

26 17. Code section 4022 states:

27 “Dangerous drug” or “dangerous device” means any drug or device unsafe for
28 self-use in humans or animals, and includes the following:

(a) Any drug that bears the legend: “Caution: federal law prohibits dispensing
without prescription,” “Rx only,” or words of similar import.

(b) Any device that bears the statement: “Caution: federal law restricts this
device to sale by or on the order of a _____” “Rx only,” or words of similar import, the
blank to be filled in with the designation of the practitioner licensed to use or order
use of the device.

1 (c) Any other drug or device that by federal or state law can be lawfully
2 dispensed only on prescription or furnished pursuant to Section 4006.

3 18. Code section 4043 states:

4 'Wholesaler' means and includes a person who acts as a wholesale merchant,
5 broker, jobber customs broker, reverse distributor, agent, or a nonresident wholesaler,
6 who sells for resale, or negotiates for distribution, or takes possession of, any drug or
7 device included in Section 4022. Unless otherwise authorized by law, a wholesaler
8 may not store, warehouse, or authorize the storage or warehousing of drugs with any
9 person or at any location not licensed by the board.

10 19. Code section 4059.5, subdivision (a) states:

11 Except as otherwise provided in this chapter, dangerous drugs or dangerous
12 devices may only be ordered by an entity licensed by the board and shall be delivered
13 to the licensed premises and signed for and received by a pharmacist. Where a
14 licensee is permitted to operate through a designated representative, or in the case of a
15 reverse distributor, a designated representative-reverse distributor, that individual
16 shall sign for and receive the delivery.

17 20. Code section 4113, subdivision (c) states:

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

20 21. Code section 4160, subdivision (a) states:

21 A person shall not act as a wholesaler or third-party logistics provider of any
22 dangerous drug or dangerous device unless he or she has obtained a license from the
23 board.

24 22. Code section 4169, subdivisions (a)(1) and (a)(4) state:

25 (a) A person or entity shall not do any of the following:

26 (1) Purchase, trade, sell, warehouse, distribute, or transfer dangerous drugs or
27 dangerous devices at wholesale with a person or entity that is not licensed with the
28 board as a wholesaler, third-party logistics provider, or pharmacy.

...

(4) Purchase, trade sell, or transfer dangerous drugs or dangerous devices after
the beyond use date on the label.

23. Code section 4300, subdivision (c) of the Code states, in pertinent part:

The board may refuse a license to any applicant guilty of unprofessional
conduct. The board may, in its sole discretion, issue a probationary license to any
applicant for a license who is guilty of unprofessional conduct and who has met all
other requirements for licensure.

1 24. Code section 4301 states in pertinent part:

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

6 ...

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

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

12 ...

13 (j) The violation of any of the statutes of this state, or any other state, or of the
14 United States regulating controlled substances and dangerous drugs

15 ...

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

21 ...

22 25. Code section 4302 states:

23 The board may deny, suspend, or revoke any license where conditions exist in
24 relation to any person holding 10 percent or more of the ownership interest or where
25 conditions exist in relation to any officer, director, or other person with management
26 or control of the license that would constitute grounds for disciplinary action against a
27 licensee.

28 26. Code section 4307, subdivision (a) states:

Any person who has been denied a license or whose license has been revoked
or is under suspension, or who has failed to renew his or her license while it was
under suspension, or who has been a manager, administrator, owner member, officer,
director, associate, or partner of any partnership, corporation, firm, or association
whose application for a license has been denied or revoked, is under suspension or
has been placed on probation, and while acting as the manger, administrator, owner,
member, officer, director, associate, or partner had knowledge or knowingly
participated in any conduct for which the license was denied, revoked, suspended, or
placed on probation, shall be prohibited from serving as a manger, administrator,
owner, member, officer, director, associate, or partner of a licensee as follows:

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

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

3 **COST RECOVERY**

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

8 **DRUGS**

9 28. Actemra is an expensive oncology drug and a dangerous drug as defined by Business
10 and Professions Code section 4022.

11 29. Avastin is an expensive oncology drug and a dangerous drug as defined by Business
12 and Professions Code section 4022.

13 30. Herceptin is an expensive oncology drug and a dangerous drug as defined by
14 Business and Professions Code section 4022.

15 31. Hyqvia is an expensive oncology drug and a dangerous drug as defined by Business
16 and Professions Code section 4022.

17 32. Herceptin is an expensive oncology drug and a dangerous drug as defined by
18 Business and Professions Code section 4022.

19 33. Imbruvica is an expensive oncology drug and a dangerous drug as defined by
20 Business and Professions Code section 4022.

21 34. Invokana is an expensive oncology drug and a dangerous drug as defined by Business
22 and Professions Code section 4022.

23 35. Keytruda is an expensive oncology drug and a dangerous drug as defined by Business
24 and Professions Code section 4022.

25 36. Neupogen is an expensive oncology drug and a dangerous drug as defined by
26 Business and Professions Code section 4022.

27 37. Octagam is an expensive oncology drug and a dangerous drug as defined by Business
28 and Professions Code section 4022.

1 38. Tasigna is an expensive oncology drug and a dangerous drug as defined by Business
2 and Professions Code section 4022.

3 39. Xtandi is an expensive oncology drug and a dangerous drug as defined by Business
4 and Professions Code section 4022.

5 **FACTUAL ALLEGATIONS**

6 40. RE Community Pharmacy was a closed door, specialty pharmacy¹ located in
7 Anaheim, California until it ceased doing business on January 16, 2019. Lisa Smith was the
8 Pharmacist-in-Charge.

9 41. RE Pharmacy was a closed door, specialty pharmacy located in Anaheim, California
10 until it ceased doing business in February 2021. Lisa Smith was the Pharmacist-in-Charge until
11 March 2020.

12 42. River's Edge Pharmacy is a closed door, specialty pharmacy located in Palm Desert,
13 California. Fadi Ebeid is the Pharmacist-in-Charge.

14 43. After receiving several complaints, the Board conducted investigations of these
15 pharmacies' operations that revealed the following facts, unprofessional conduct and violations of
16 law.

17 44. RE Community Pharmacy, RE Pharmacy and River's Edge Pharmacy created
18 separate partnerships with three physicians, Dr. K.A., Dr. G.C. and Dr. W.B. (affiliated
19 physicians) to purchase expensive oncology drugs from Cardinal Health 108, LLC (Cardinal
20 Health) at discounted prices. As a condition to purchasing oncology drugs at discounted prices
21 through these partnerships with the affiliated physicians, RE Community Pharmacy, RE
22 Pharmacy and River's Edge Pharmacy and Cardinal Health, doing business as Vital Source GPO
23 and RainTree GPO, LLC entered into group purchasing organization participation agreements
24 (group purchasing organization participation agreements).

25 45. In connection with the group purchasing organization participation agreements, RE
26 Community Pharmacy, RE Pharmacy and River's Edge confirmed that they intended to establish

27 ¹ Specialty pharmacies dispense specialty drugs that are either high cost, high complexity
28 or high touch (i.e., involve a higher degree of sophistication in terms of distribution,
administration or patient management).

1 a business relationship that complied with the Medicare and Medicaid anti-kickback statute set
2 forth in 42 U.S.C. § 1320a-7b. They also confirmed that they intended to comply with the
3 requirements of the “safe harbor” regulations regarding payments to group organization
4 purchasing organizations set forth in 42 C.F.R. § 1001.952(j) and discounts offered to buyers set
5 forth in 42 C.F.R. § 1001.952(h).²

6 46. Cardinal Health and a drug manufacturer, Genentech operated a program to sell drugs
7 at discounted prices to free-standing physician-owned solo or group practices who were treating
8 patients on an out-patient basis, if they certified they were eligible for the program. RE
9 Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy certified their eligibility to
10 participate in this program (manufacturer distribution agreement).

11 47. Cardinal Health expected that RE Community Pharmacy, RE Pharmacy, River’s Edge
12 Pharmacy and their affiliated physicians would be purchasing discounted drugs under the group
13 purchasing organization participation agreements and the manufacturer distribution agreement,
14 solely for administration to the affiliated physicians’ own respective patients and not for RE
15 Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy to resell or transfer to other
16 pharmacies.

17 48. Cardinal Health sent multiple notices to RE Community Pharmacy, RE Pharmacy and
18 River’s Edge Pharmacy advising them that they could not dispense the drugs purchased at
19 discounted prices under the terms of the group purchasing organization participation agreements
20 to patients who were not treated by the affiliated physicians. For example, the Cardinal Health
21 invoices received by those pharmacies contained the following acknowledgment: “CUSTOMER
22 DOES NOT AND WILL NOT REDISTRIBUTE PRESCRIPTION PHARMACEUTICAL
23 PRODUCTS PURCHASED FROM CARDINAL INTO THE SECONDARY MARKET.” The
24 invoices also specified that RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy
25 warrant that the purchased drugs were for “OWN USE.”

26 ² The federal Anti-Kickback Statute prohibits the offering, soliciting, payment, or receipt
27 of remuneration in exchange for the referral of items and services that are paid for by federal
28 health care programs such as Medicare and Medicaid. Since the statute is broad, Congress
enacted safe harbor provisions to limit the reach of the statute to encourage beneficial cost
savings to federal health care programs and their beneficiaries.

1 49. On behalf of the manufacturers, Cardinal Health also sent “contract summaries” on a
2 frequent basis, notifying RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy
3 that they were eligible to receive the discounted drug prices only if they were a physician,
4 physician clinic, infusion center or closed door, on-site clinic pharmacy servicing its own
5 patients. Thus, RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy were aware
6 of the requirement that drugs purchased at discounted prices under these agreements could only
7 be administered to the respective patients of the affiliated physicians.

8 50. RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy misrepresented
9 to Cardinal Health that their accounts were established for oncology offices and infusion clinics
10 overseen by the affiliated physicians for which they were merely facilitating those physicians’
11 purchase of drugs for administration to their own respective patients.

12 51. RE Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy, signed and
13 submitted certifications and declarations to Cardinal Health representing that the drugs purchased
14 under the group purchasing organization participation agreements and the manufacturer
15 distribution agreement were solely for the administration to the affiliated physicians’ own
16 respective patients and that they were an infusion or oncology clinic. For example, RE
17 Community Pharmacy, RE Pharmacy and River’s Edge Pharmacy represented and certified as
18 part of the manufacturer distribution agreement that “[p]roducts purchased by the practice are
19 only for dispensing to its patients in connection with, and on the same day as, the provision of
20 treatment and/or evaluation and not for transfer, dispensing, or resale to any wholesaler,
21 distributor, hospital, infusion center, or institution, within or outside of the U.S.” Yet, drugs
22 purchased at discounted prices by RE Community Pharmacy, RE Pharmacy and River’s Edge
23 Pharmacy were dispensed and resold to other physicians’ patients.

24 52. From February 15, 2017 through October 28, 2019, RE Community Pharmacy and
25 RE Pharmacy purchased 99 packages of Imbruvica and Xtandi at discounted prices, in connection
26 with the group purchasing organization participation agreements, ostensibly for dispensing and
27 administration to Dr. K.A.’s patients.

28 ///

1 53. RE Community Pharmacy and RE Pharmacy stored and transferred 99 packages of
2 Imbruvica and Xtandi to other commonly controlled pharmacies which dispensed them to patients
3 who were not treated by Dr. K.A., even though those discounted oncology drugs were only
4 available for dispensing and administration to Dr. K.A.'s patients.

5 54. From February 15, 2017 through October 28, 2019, RE Community Pharmacy and
6 RE Pharmacy purchased 887 packages of Avastin, Herceptin and Actemra in connection with the
7 manufacturer distribution agreement, ostensibly for dispensing and administration to Dr. K.A.'s
8 patients. RE Pharmacy's technicians and clerks signed for and/or received certain of these drugs,
9 rather than pharmacists.

10 55. RE Community Pharmacy and RE Pharmacy stored and transferred 832 packages of
11 Avastin, Herceptin and Actemra to other commonly controlled pharmacies which in turn,
12 dispensed them to patients who were not treated by Dr. K.A even though those discounted
13 oncology drugs were only available for dispensing and administration to Dr. K.A.'s patients.

14 56. From February 15, 2017 through November 14, 2019, River's Edge Pharmacy
15 purchased 621 packages of Actemra, Keytruda and Octagam in connection with the group
16 purchasing organization participation agreements and the manufacturer distribution agreement,
17 ostensibly for dispensing and administration to Dr. G.C.'s patients. River's Edge Pharmacy's
18 technicians and clerks signed for and/or received certain of these drugs, rather than pharmacists.

19 57. River's Edge Pharmacy stored and transferred 597 packages of Actemra, Keytruda
20 and Octagam to other commonly controlled pharmacies which in turn, dispensed them to patients
21 who were not treated by Dr. G.C. even though those discounted oncology drugs were only
22 available for dispensing and administration to Dr. G.C.'s patients.

23 58. From February 15, 2017 through November 14, 2019, River's Edge Pharmacy
24 purchased 29 packages of Hyqvia and Keytruda in connection with the group purchasing
25 organization participation agreements, ostensibly for dispensing and administration to Dr. W.B.'s
26 patients.

27 59. River's Edge Pharmacy stored and transferred the packages of Hyqvia and Keytruda
28 to other commonly controlled pharmacies which in turn, dispensed them to patients who were not

1 treated by Dr. W.B. even though those discounted oncology drugs were only available for
2 dispensing and administration to Dr. W.B.'s patients.

3 60. On October 28, 2019, Cardinal Health placed the account affiliated with Dr. K.A. on
4 a "no-ship" status after Dr. K.A. requested that Cardinal Health close his account because it had
5 "become subject to fraudulent purchases in millions of dollars by Han.Sam Corporation for other
6 doctors or resale, since January of 2019."

7 61. On November 20, 2019, Cardinal Health removed Dr. G.C.'s affiliation with River's
8 Edge Pharmacy on his account and placed it on a "no-ship" status until Dr. G.C., and River's
9 Edge Pharmacy complied with Cardinal Health's regulatory obligations under the federal Drug
10 Supply Chain Security Act and California law.

11 62. On March 2, 2020, upon discovering five orders placed in February 2020 under Dr.
12 W.B.'s account, Cardinal Health placed the account affiliated with Dr. W.B. on a "no-ship"
13 status.

14 63. During the Board's investigation, Hany Benjamin, Genevieve Benjamin, Lisa Lufti
15 and Fadi Ebeid falsely claimed that Cardinal Health encouraged them to enter into the
16 aforementioned schemes.

17 64. More violations of Pharmacy Law were uncovered during the Board's investigations.
18 The Board determined that River's Edge Pharmacy violated Pharmacy law when it transferred
19 expired and unexpired oncology drugs, including Neupogen, Tasigna and Invokana from a
20 person, V.A. whom the Board did not license as a wholesaler, third party logistics provider, or
21 pharmacy and warehoused those drugs.

22 65. The Board also determined that Han.Sam, an unlicensed wholesaler violated
23 Pharmacy Law when it purchased 1,588 packages of dangerous drugs from Cardinal Health from
24 February 15, 2017 through January 15, 2019 and, sold, distributed and/or transferred those drugs
25 to Re Community Pharmacy, owned by St. Cyril, Inc. In those same transactions, RE
26 Community Pharmacy violated Pharmacy Law when it purchased and/or warehoused 1,588
27 packages of dangerous drugs from Han.Sam.

28 ///

1 66. In its application, Mia Care Pharmacy did not disclose its relationship to the other
2 Respondents under investigation with the Board.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Commission of Dishonest Fraudulent and Deceitful Acts Against All Respondents)**

5 67. Respondents are subject to disciplinary action under Code section 4301, subdivision
6 (f), for committing dishonest, fraudulent and deceitful acts, as described above in paragraphs 40
7 through 66 which are incorporated herein.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Knowingly Making or Signing Documents that Falsely Represent Facts Against All
10 Respondents)**

11 68. Respondents are subject to disciplinary action under Code section 4301, subdivision
12 (g), for knowingly making or signing documents that falsely represent the existence or
13 nonexistence of a state of facts, as described above in paragraphs 40 through 66 which are
14 incorporated herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Aided and Abetted the Unlicensed Practice of Wholesaling Against Respondents Hany
17 Benjamin and Genevieve Benjamin)**

18 69. Respondents Hany Benjamin and Genevieve Benjamin are subject to disciplinary
19 action under Code section 4301, subdivisions (j) and (o), for violating Business and Professions
20 Code section 4160, subdivision (a), because they aided and abetted Han.Sam's unlicensed
21 wholesaler activity as defined by Business and Professions Code 4043, as described above in
22 paragraphs 40 through 66 which are incorporated herein.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Purchased and/or Warehoused Dangerous Drugs from Unlicensed Wholesaler Entity
25 Against RE Community Pharmacy, Genevieve Benjamin and Lisa Lufti)**

26 70. Respondents RE Community Pharmacy, Genevieve Benjamin and Lisa Lufti are
27 subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating
28 Business and Professions Code section 4169, subdivision (a)(1), because they purchased and/or

1 warehoused drugs from an entity unlicensed with the Board as a wholesaler, Han.Sam, as
2 described above in paragraphs 40 through 66 which are incorporated herein.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Transferred and Warehoused Expired and Unexpired Dangerous Drugs Against**
5 **Respondents River’s Edge Pharmacy and Fabi Ebeid)**

6 71. Respondents River’s Edge Pharmacy and Fabi Ebeid are subject to disciplinary action
7 under Code section 4301, subdivisions (j) and (o), for violating Business and Professions Code
8 section 4169, subdivisions (a)(1) and (a)(4), because they transferred expired and unexpired
9 dangerous drugs from a person, V.A. to River’s Edge Pharmacy and warehoused those drugs, as
10 described above in paragraphs 40 through 66 which are incorporated herein.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Unauthorized Receipt of Drugs Against Respondents River’s Edge Pharmacy, Fabi Ebeid,**
13 **RE Pharmacy and Lisa Smith)**

14 72. Respondents RE Pharmacy, Lisa Smith, River’s Edge Pharmacy and Fabi Ebeid are
15 subject to disciplinary action under Code section 4301, subdivisions (j) and (o), for violating
16 Business and Professions Code section 4059.5, subdivision (a), because they allowed pharmacy
17 technicians and clerks to sign for and receive dangerous drugs, as described above in paragraphs
18 40 through 66 which are incorporated herein.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Unprofessional Conduct against All Respondents)**

21 73. Respondents are subject to disciplinary action under Code section 4301 for
22 unprofessional conduct because they engaged in the activities described above in paragraphs 40
23 through 66 which are incorporated herein.

24 **OTHER MATTERS**

25 74. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
26 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, it shall be prohibited
27 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
28

1 of a licensee for five years if Pharmacy Permit Number PHY 55522 is placed on probation or
2 until the Pharmacy Permit is reinstated if it is revoked.

3 75. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
4 56970 issued to Han.Sam Corp., doing business as RE Pharmacy, it shall be prohibited from
5 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
6 licensee for five years if Pharmacy Permit Number PHY 56970 is placed on probation or until the
7 Pharmacy Permit is reinstated if it is revoked.

8 76. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
9 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy, it shall be prohibited
10 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
11 of a licensee for five years if Pharmacy Permit Number PHY 49157 is placed on probation or
12 until the Pharmacy Permit is reinstated if it is revoked.

13 77. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No.
14 PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, (b) Pharmacy
15 Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Community Pharmacy
16 and/or (c) Pharmacy Permit No. PHY 49157 issued to Han.Sam, doing business as River's Edge
17 Pharmacy, while Hany Samuel Benjamin has been an owner or manager and had knowledge of or
18 knowingly participated in any conduct for which the licensees were disciplined, he shall be
19 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
20 or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the
21 Pharmacy Permits are reinstated, if they are revoked.

22 78. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No.
23 PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy, (b) Pharmacy
24 Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Community Pharmacy
25 and/or (c) Pharmacy Permit No. PHY 49157 issued to Han.Sam, doing business as River's Edge
26 Pharmacy while Genevieve Sabry Benjamin has been an owner or manager and had knowledge of
27 or knowingly participated in any conduct for which the licensees were disciplined, she shall be
28 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,

1 or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the
2 Pharmacy Permit is reinstated, if they are revoked.

3 79. Pursuant to Code section 4307, if discipline is imposed on (a) Pharmacy Permit No.
4 PHY 55522 issued to St. Cyril, Inc., doing business as RE Community Pharmacy and/or (b)
5 Pharmacy Permit No. PHY 56970 issued to Han.Sam Corp., doing business as RE Pharmacy
6 while Lisa Nabieh Smith, aka Lisa Nabieh Lutfi has been a manager and had knowledge of or
7 knowingly participated in any conduct for which the licensees were disciplined, she shall be
8 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
9 or partner of a licensee for five years if the Pharmacy Permits are placed on probation or until the
10 Pharmacy Permits are reinstated, if they are revoked.

11 80. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No. PHY
12 49157 issued to Han.Sam Corp., doing business as River's Edge Pharmacy while Fabi Atef
13 Nassar Ebeid has been a manager and had knowledge of or knowingly participated in any conduct
14 for which the licensee was disciplined, he shall be prohibited from serving as a manager,
15 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
16 the Pharmacy Permit is placed on probation or until the Pharmacy Permit is reinstated, if it is
17 revoked.

18 81. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
19 RPH 58261 issued to Hany Samuel Benjamin, he shall be prohibited from serving as a manager,
20 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
21 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is
22 revoked.

23 82. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
24 RPH 58193 issued to Genevieve Sabry Benjamin, she shall be prohibited from serving as a
25 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
26 five years if the Pharmacist License is placed on probation or until the Pharmacist License is
27 reinstated, if it is revoked.

28 ///

1 83. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
2 RPH 69812 issued to Lisa Nabieh Smith, aka Lisa Nabieh Lutfi, she shall be prohibited from
3 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a
4 licensee for five years if the Pharmacist License is placed on probation or until the Pharmacist
5 License is reinstated, if it is revoked.

6 84. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
7 RPH 69962 issued to Fadi Atef Nassar Ebeid, he shall be prohibited from serving as a manager,
8 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
9 the Pharmacist License is placed on probation or until the Pharmacist License is reinstated, if it is
10 revoked.

11 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

12 **RESELL PHARMACEUTICALS, LLC**

13 **CAUSE FOR DENIAL**

14 **(Various)**

15 85. Respondent ReSell Pharmaceuticals, LLC's application is subject to denial for the
16 facts alleged in the First Amended Accusation under Code sections 4300, subdivision (c), 4301,
17 subdivisions (f), (g), (j) and (o) and 4302 for violating the statutes and regulations and engaging
18 in the conduct referenced in the First Amended Accusation, which are incorporated herein by
19 reference.

20 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

21 **ST. CYRIL, INC., DBA CAMINO CAPISTRANO PHARMACY**

22 **CAUSE FOR DENIAL**

23 **(Various)**

24 86. Respondent St. Cyril, Inc., dba Camino Capistrano Pharmacy's application is subject
25 to denial for the facts alleged in the First Amended Accusation under Code sections 4300,
26 subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating the statutes and
27 regulations and engaging in the conduct referenced in the First Amended Accusation, which are
28 incorporated herein by reference.

1 **FIRST AMENDED STATEMENT OF ISSUES AGAINST:**

2 **MIA CARE, INC., DBA MIA CARE PHARMACY**

3 87. Respondent Mia Care, Inc., dba Mia Care Pharmacy submitted an application for a
4 community pharmacy permit to the Board. In its application, Mia Care Pharmacy reported that
5 the parents of Respondent Genevieve Benjamin and the mother-in-law and father-in-law of
6 Respondent Hany Benjamin, Mervat M. Abelmalik and Sabry S. Abdelmalik were the directors
7 and officers of Respondent Mia Care, Inc., Mervat M. Abelmalik was to be the Pharmacist-in-
8 Charge of Mia Care Pharmacy, and Mervat M. Abelmalik was the sole owner of Respondent Mia
9 Care, Inc., dba Mia Care Pharmacy.

10 88. Respondent Mia Care, Inc., dba Mia Care Pharmacy did not disclose that
11 Respondents Hany Benjamin and Genevieve Benjamin, who were under multiple Board
12 investigations, were also owners of and/or held management or control over Respondent Mia
13 Care, Inc., dba Mia Care Pharmacy including for example, arranging for Respondent Mia Care,
14 Inc. to share a lease or premises with another of the pharmacies owned by Respondents Hany
15 Benjamin and Genevieve Benjamin.

16 **CAUSE FOR DENIAL**

17 **(Various)**

18 89. Respondent Mia Care, Inc., dba Mia Care Pharmacy's application is subject to denial
19 for the facts alleged in paragraphs 87-88 and in the First Amended Accusation under Code
20 sections 4300, subdivision (c), 4301, subdivisions (f), (g), (j) and (o) and 4302 for violating the
21 statutes and regulations and engaging in the conduct referenced in the First Amended Accusation,
22 which are incorporated herein by reference.

23 **PRAYER**

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

26 1. Revoking or suspending Pharmacy Permit Number PHY 55522, issued to St. Cyril
27 Inc., dba RE Community Pharmacy;

28 ///

1 2. Revoking or suspending Pharmacy Permit Number PHY 56970, issued to Han.Sam
2 Corp., dba RE Pharmacy;

3 3. Revoking or suspending Pharmacy Permit Number PHY 49157, issued to Han.Sam
4 Corp., dba River's Edge Pharmacy;

5 4. Revoking or suspending Pharmacist License Number RPH 58261, issued to Hany
6 Samuel Benjamin;

7 5. Revoking or suspending Pharmacist License Number RPH 58193, issued to
8 Genevieve Sabry Benjamin;

9 6. Revoking or suspending Pharmacist License Number RPH 69812, issued to Lisa
10 Nabieh Smith, aka Lisa Nabieh Lutfi;

11 7. Revoking or suspending Pharmacist License Number RPH 69962, issued to Fadi Atef
12 Nassar Ebeid;

13 8. Prohibiting St. Cyril, Inc., doing business as RE Community Pharmacy from serving
14 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
15 for five years if Pharmacy Permit Number PHY 55522 is placed on probation or until the
16 Pharmacy Permit is reinstated, if it is revoked;

17 9. Prohibiting Han.Sam Corp., doing business as RE Pharmacy from serving as a
18 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
19 five years if Pharmacy Permit Number PHY 56970 is placed on probation or until the Pharmacy
20 Permit is reinstated, if it is revoked;

21 10. Prohibiting St. Cyril, Inc., doing business as RE Community Pharmacy from serving
22 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee
23 for five years if Pharmacy Permit Number PHY 55522 is placed on probation or until the
24 Pharmacy Permit is reinstated, if it is revoked;

25 11. Prohibiting Hany Samuel Benjamin from serving as a manager, administrator, owner,
26 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
27 Numbers PHY 49157, 55522 and/or 56970, are placed on probation or until the Pharmacy
28 Permits are reinstated, if they are revoked;

1 12. Prohibiting Genevieve Sabry Benjamin from serving as a manager, administrator,
2 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy
3 Permit Numbers PHY 49157, 55522 and/or 56970 are placed on probation or until the Pharmacy
4 Permits are reinstated, if they are revoked;

5 13. Prohibiting Lisa Nabieh Smith, aka Lisa Nabieh Lutfi from serving as a manager,
6 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
7 Pharmacy Permit Numbers PHY 55522 and/or 56970 are placed on probation or until the
8 Pharmacy Permits are reinstated, if they are revoked;

9 14. Prohibiting Fadi Atef Nassar Ebeid from serving as a manager, administrator, owner,
10 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit
11 Number PHY 49157 is placed on probation or until the Pharmacy Permit is reinstated, if it is
12 revoked;

13 15. Prohibiting Hany Samuel Benjamin from serving as a manager, administrator, owner,
14 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
15 Number RPH 58261 is placed on probation or until the Pharmacist License is reinstated, if it is
16 revoked;

17 16. Prohibiting Genevieve Sabry Benjamin from serving as a manager, administrator,
18 owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist
19 License Number RPH 58193 is placed on probation or until the Pharmacist License is reinstated,
20 if it is revoked;

21 17. Prohibiting Lisa Nabieh Smith, aka Lisa Nabieh Lutfi from serving as a manager,
22 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
23 Pharmacist License Number RPH 69812 is placed on probation or until the Pharmacist License is
24 reinstated, if it is revoked;

25 18. Prohibiting Fadi Atef Nassar Ebeid from serving as a manager, administrator, owner,
26 member, officer, director, associate, or partner of a licensee for five years if Pharmacist License
27 Number RPH 69962 is placed on probation or until the Pharmacist License is reinstated, if it is
28 revoked;

1 19. Ordering St. Cyril, Inc., dba RE Community Pharmacy, Han.Sam Corp., dba RE
2 Pharmacy, Han.Sam Corp., dba River's Edge Pharmacy, Hany Samuel Benjamin, Genevieve
3 Sabry Benjamin, Lisa Nabieh Smith, aka Lisa Nabieh Lutfi and Fadi Atef Nassar Ebeid to pay the
4 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
5 pursuant to Business and Professions Code section 125.3;

6 20. Denying the Application of Resell Pharmaceuticals, LLC for a wholesaler license;

7 21. Denying the Application of St. Cyril, Inc., dba Camino Capistrano Pharmacy for a
8 pharmacy permit;

9 22. Denying the Application of Mia Care, Inc., dba Mia Care Pharmacy for a pharmacy
10 permit; and,

11 23. Taking such other and further action as deemed necessary and proper.

12
13 DATED: 5/4/2022 _____

Signature on File

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

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