

17

985 Damonte Ranch Pkwy #206, Reno, NV 89521

For the period of November 1, 2019 to October 31, 2021

Credit/Debit Card (print at bottom), Money Order, Cashier's Check, Business or Personal Check: Payable to NSBP

NO CASH

LICENSE: 09328

Masoud Zarkesh
CONCHITA WAY,
TARZANA, CA 91356

Please make any changes to name or address next to the old information

RENEW BY MAIL/IN-PERSON

1. Complete **ALL** sections on this form with an **original** Signature & date
(**NO STAMPS OR COPIES**)
2. Mail/Bring in the form and a **FEE** for **\$205 (on-time)**
(\$180 renewal fee plus \$25 paper-use fee)
3. Renewals submitted after 10/31/2019 will also be charged A
LATE/REINSTATEMENT FEE of \$190. (\$180 renewal, \$90 late fee,
\$100 reinstatement fee plus \$25 paper-use fee) **TOTAL DUE: \$395**
4. The form will be **returned** if missing correct fee. You may renew on-line
to **AVOID** the \$25 paper fee
5. Please **allow 2-3 WEEKS** for processing by mail/in-person

< OR >

RENEW ONLINE

1. Go to <https://online.nvbop.org>
2. Click to REGISTER, then follow the prompts (only required once)
3. Credit Cards ONLY: On time renewal fee - \$180

Late renewal fee - \$370

***On-line fee of \$10 will be charged during submission.**

Licenses renewed online will update immediately once approved
by board staff. Please allow 2-3 DAYS

Section 1: Since your last renewal or recent licensure have you: (Please fill in completely)

Been diagnosed or treated for any mental illness, including alcohol or substance abuse, or Physical condition that would impair your ability
to perform the essential functions of your license?

Yes ☐ No ☒

1. Been charged, arrested or convicted of a felony or misdemeanor in any state?

Yes ☐ No ☒

2. Been the subject of a board citation or an administrative action whether completed or pending in any state?

Yes ☒ No ☐

3. Had your license subjected to any discipline for violation of pharmacy or drug laws in any state?

Yes ☒ No ☐

If you marked YES to any of the numbered questions (1-3) above, include the following information & letter of explanation: I included

Board Administrative Action:

State

Date

Case #:

Administrative
Criminal Action: State Date

CA

Aug 28.19

Administrative Case No: 5611
County Court

Section 2:

Are you the subject of a court order for the support of a child?

Yes ☐ No ☒

If you marked YES to the question above, are you in compliance with the court order?

Yes ☐ No ☐**Section 3: NON-DISCIPLINARY STATE-MANDATED QUESTIONS:**

1. Though it is **NOT** required to have, SB21 requires the Board to ask if you have a Nevada State Business license and if you do, please provide

_____ Leave blank if non-applicable

2. Have you ever served in the military, either active, reserve or retired

Yes ☐ No ☒

Branch: _____

Military occupation specialty: _____

Dates of service: _____

Section 4: (Fees apply to either status) (see insert for details)

By signing below, you certify that you have completed **ALL** required CE Hours due for the 19/21 Renewal period.

(Dated from Nov. 1, 17 - Oct. 31, 19; 1.25hrs per mo.). The exemption period is 2yrs after graduation only.

OR you may check the box for Inactive if you did NOT complete CE.

Inactive ☐ By checking this box you certify that you are **NOT** practicing in NV and do not wish to comply with the CE requirements of NV and would like your license
changed to **inactive** status. Before re-activating your license it will be necessary to submit an application and to become compliant with current CE requirements (NAC 639.219).
See insert for more information.

Section 5:

I understand that it is a violation of Nevada law to falsify this application, and sanctions may be imposed for fraud or misrepresentation. I affirm that I have read this application
and the statements made are true and correct. I understand and will comply with the guidelines of the Centers for Disease Control and Prevention concerning the prevention of
transmission of infectious agents through safe injection practices. I understand that NRS 432B.220 requires that if, in my professional capacity, I know or have reason to believe
that a child has been abused or neglected, I am mandated to report the abuse/neglect to an agency which provides child welfare services or to a local law enforcement agency.

Original Signature: _____

Date: 10-15-19Card Type: ☐ Visa ☐ M/C ☐ Discover ☐ Amex

Exp Date: ____/____/____ (MM/YY)

Amount of Charge:

Card #: _____

CVV (3 digits back of card): _____

\$205 on-time/\$395 late

Billing Zip: _____

To: Nevada Board of pharmacy Can# 5611

letter of explanation:

In may 2018 california state Board of pharmacy, notify me of hearing for 2011 to 2013 of 5 doctors in the

area, and our pharmacy which I was PIC. had "Administrative" not watching

- ① Tech, s To Complet Cures on 3 occatio was rejected from computer.
- ② tech, s did not properly record Doctors call back from the office. (all Doctors ok all the Rx, s.)
- ③ tech missed to place Proper backing on 2 Rx. Same patient, Same medication
- ④ Record for 2011 was expired we did not have 2011 on { 2018 Inspection.
- ⑤ we were charged not { 2015 cooperating to get the Files. 2011.

***⑥ at this time As of PIC I have Accepted the charges that I must be more Watch full over Tech Work.

M. J. J. 10/10/19

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

In the Matter of the Accusation Against:

Case No. 5611

**AMERICAN COMPOUNDING DBA
NORTHRIDGE TOWER PHARMACY,
MASSOUD ZARKESH, PHARMACIST-IN-
CHARGE
18250 Roscoe Blvd.
Northridge, CA 91325**

Pharmacy Permit No. PHY 43998,

and

**MASSOUD ZARKESH
Conchita Way
Tarzana, CA 91356**

Pharmacist License No. RPH 41592

Respondents.

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 28, 2019.

It is so ORDERED on July 29, 2019.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Greg Lippe
Board Vice President (Acting President)

1 XAVIER BECERRA
 Attorney General of California
 2 SHAWN P. COOK
 Supervising Deputy Attorney General
 3 WILLIAM D. GARDNER
 Deputy Attorney General
 4 State Bar No. 244817
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 5 Los Angeles, CA 90013
 Telephone: (213) 269-6292
 6 Facsimile: (213) 897-2804
Attorneys for Complainant
 7

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

12
13 In the Matter of the Accusation Against:

Case No. 5611

14 **AMERICAN COMPOUNDING DBA**
NORTHRIDGE TOWER PHARMACY,
 15 **MASSOUD ZARKESH, PHARMACIST-**
IN-CHARGE
 16 **18250 Roscoe Bld.**
Northridge, CA 91325

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

(As to Respondent Massoud Zarkesh Only)

17 **Pharmacy Permit No. PHY 43998,**

18 **and**

19 **MASSOUD ZARKESH**
 20 **Conchita Way**
Tarzana, CA 91356

21 **Pharmacist License No. RPH 41592**

22 Respondents.
23

24
 25 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to this
 26 **Stipulated Settlement and Disciplinary Order** that the following matters are true:

27 ///

28 ///

1 PARTIES

2 1. Anne Sodergren ("Complainant") is the Interim Executive Officer of the Board of
3 Pharmacy (Board). She brought this action solely in her official capacity and is represented in
4 this matter by Xavier Becerra, Attorney General of the State of California, by William D.
5 Gardner, Deputy Attorney General.

6 2. On or about April 23, 1988, the Board of Pharmacy issued Pharmacist License
7 Number RPH 41592 to Massoud Zarkesh ("Respondent"). The Pharmacist License expires on
8 June 30, 2019, unless renewed.

9 JURISDICTION

10 3. Accusation No. 5611 was filed before the Board, and is currently pending against
11 Respondent. The Accusation and all other statutorily required documents were properly served
12 on Respondent on May 24, 2018. Respondent timely filed his Notice of Defense contesting the
13 Accusation.

14 4. A copy of Accusation No. 5611 is attached as Exhibit A and incorporated herein by
15 reference.

16 ADVISEMENT AND WAIVERS

17 5. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 5611. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order.

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

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 5611, if proven at a hearing, constitute cause for imposing discipline upon his license.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

10. Respondent agrees that his Pharmacist License is subject to discipline, and he agree to be bound by the terms set forth in the Disciplinary Order below.

CONTINGENCY

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License Number RPH 41592 issued to Massoud Zarkesh is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. Obey All Laws ✓ 72hr - 15 mail

Respondent shall obey all state and federal laws and regulations.

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

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

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

2. Report to the Board

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

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

6 **3. Interview with the Board**

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

12 **4. Cooperate with Board Staff**

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

19 **5. Continuing Education**

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

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

23 During the period of probation, respondent shall notify all present and prospective
24 employers of the decision in case number 5611 and the terms, conditions and restrictions imposed
25 on respondent by the decision, as follows:

26 Within thirty (30) days of the effective date of this decision, and within ten (10) days of
27 undertaking any new employment, respondent shall report to the board in writing the name,
28 physical address, and mailing address of each of Entity employer(s), and the name(s) and

1 telephone number(s) of all of Entity direct supervisor(s), as well as any pharmacist(s)-in- charge,
2 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)
3 and the work schedule, if known. Respondent shall also include the reason(s) for leaving the
4 prior employment. Respondent shall sign and return to the board a written consent authorizing
5 the board or its designee to communicate with all of respondent's employer(s) and supervisor(s),
6 and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,
7 concerning respondent's work status, performance, and monitoring. Failure to comply with the
8 requirements or deadlines of this condition shall be considered a violation of probation.

9 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
10 respondent undertaking any new employment, respondent shall cause (a) Entity direct supervisor,
11 (b) Entity pharmacist-in-charge, designated representative-in-charge, responsible manager, or
12 other compliance supervisor, and (c) the owner or owner representative of Entity employer, to
13 report to the board in writing acknowledging that the listed individual(s) has/have read the
14 decision in case number 5611, and terms and conditions imposed thereby. If one person serves in
15 more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the
16 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the
17 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)
18 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report
19 to the board in writing within fifteen (15) days of the change acknowledging that he or she has
20 read the decision in case number 5611, and the terms and conditions imposed thereby.

21 If respondent works for or is employed by or through an employment service, respondent
22 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board
23 of the decision in case number 5611, and the terms and conditions imposed thereby in advance of
24 respondent commencing work at such licensed entity. A record of this notification must be
25 provided to the board upon request.

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

1 to report to the board in writing acknowledging that he or she has read the decision in case
2 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to
3 ensure that these acknowledgment(s) are 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 registered pharmacist, or any
9 position for which a registered pharmacist is a requirement or criterion for employment, whether
10 the respondent is an employee, independent contractor or volunteer.

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

12 Respondent shall further notify the board in writing within ten (10) days of any change in
13 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 shall not supervise any intern pharmacist, be the
18 pharmacist-in-charge, designated representative-in-charge, responsible manager or other
19 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption
20 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

21 **9. Reimbursement of Board Costs**

22 As a condition precedent to successful completion of probation, respondent shall pay to the
23 board its costs of investigation and prosecution in the amount of \$3,500.00. Said costs may be
24 paid in equal monthly installments, with all payments to be completed no later than three (3)
25 months prior to the end of the probation term.

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

1 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
2 reimburse the board its costs of investigation and prosecution.

3 **10. Probation Monitoring Costs**

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

8 **11. Status of License**

9 Respondent shall, at all times while on probation, maintain an active, current Pharmacist
10 License with the board, including any period during which suspension or probation is tolled.
11 Failure to maintain an active, current Pharmacist License shall be considered a violation of
12 probation.

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

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

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

26 Upon acceptance of the surrender, respondent shall relinquish Entity pocket and/or wall
27 license, including any indicia of licensure not previously provided to the board within ten (10)
28 days of notification by the board that the surrender is accepted if not already provided.

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

13. Practice Requirement – Extension of Probation

20

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

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

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

14. Violation of Probation

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and the board shall provide notice to respondent that probation shall automatically be extended, until all terms and conditions have been satisfied

1 or the board has taken other action as deemed appropriate to treat the failure to comply as a
 2 violation of probation, to terminate probation, and to impose the penalty that was stayed. The
 3 board or its designee may post a notice of the extended probation period on its website.

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

11 15. Completion of Probation

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

14 16. Drug Diversion and Abuse Course

15 By no later than the end of the current calendar year, Respondent shall complete the
 16 following 8-hour course offered by the Board: "Prescription Drug Abuse and Diversion – What a
 17 Pharmacist Needs to Know."

18 17. Remedial Education ~~XXXX~~

19 Within sixty (60) days of the effective date of this decision, respondent shall submit to the
 20 board or its designee, for prior approval, an appropriate program of remedial education related to
 21 the following areas: (1) Pharmacy Law; (2) Medication Error; (3) Ethics in Practice of Pharmacy;
 22 (4) Safe Opioid Dispensing; and/or (5) other coursework related to California Prescribing
 23 Requirements. Respondent shall be required to complete at least ten (10) hours of such approved
 24 remedial education per year of probation at his own expense, and at least 50% of that remedial
 25 education shall consist of live in-person or live webinar training. All remedial education required
 26 pursuant to this provision shall be in addition to, and shall not be credited toward, continuing
 27 education (CE) courses used for license renewal purposes for pharmacists.

28 ///

Term
 PoB
 Sumi
 Send
 To

(Oct
 10 hr
 5 in
 person)

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

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

10 **18. No Ownership or Management of Licensed Premises**

11 Respondent shall not own, have any legal or beneficial interest in, nor serve as a manager,
 12 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
 13 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
 14 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
 15 days following the effective date of this decision and shall immediately thereafter provide written
 16 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
 17 documentation thereof shall be considered a violation of probation.

18 ACCEPTANCE

19 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 20 discussed it with my attorney, Tony J. Park. I understand the stipulation and the effect it will
 21 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
 22 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
 23 Board of Pharmacy.

24
 25 DATED: 6/9/19


 26 MASSOUD ZARKESH
 27 Respondent
 28 ///

1 ///

2 ///

3 I have read and fully discussed with Massoud Zarkesh the terms and conditions and other
 4 matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form
 5 and content.

6 DATED: 05/15/2019

7 
 TONY J. PARK
 Attorney for Respondent

8
 9 ENDORSEMENT

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

12 Dated: 6/5/19

13 Respectfully submitted,

14 XAVIER BECERRA
 Attorney General of California
 15 SHAWN P. COOK
 Supervising Deputy Attorney General

16 
 17 WILLIAM D. GARDNER
 Deputy Attorney General
 18 Attorneys for Complainant

19
 20
 21
 22 LA2015603774
 13703965

Exhibit A**Accusation No. 5611**

1 XAVIER BECERRA
 Attorney General of California
 2 MARC D. GREENBAUM
 Supervising Deputy Attorney General
 3 LESLIE A. WALDEN
 Deputy Attorney General
 4 State Bar No. 196882
 300 So. Spring Street, Suite 1702
 5 Los Angeles, CA 90013
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 6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
 8 **BEFORE THE**
BOARD OF PHARMACY
 9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 5611

11 **AMERICAN COMPOUNDING DBA**
 12 **NORTHRIDGE TOWER PHARMACY,**
 13 **MASSOUD ZARKESH, PHARMACIST-**
IN-CHARGE
 14 **18250 Roscoe Bld.**
Northridge, CA 91325

A C C U S A T I O N

15 **Pharmacy Permit No. PHY 43998,**

16 **and**

17 **MASSOUD ZARKESH**
 18 **Conchita Way**
Marzana, CA 91356

19 **Pharmacist License No. RPH 41592**

20 Respondents.

21
 22 Complainant alleges:

23 **PARTIES**

- 24 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as
 25 the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 26 2. On or about March 4, 1999, the Board of Pharmacy issued Pharmacy Permit Number
 27 PHY 43998 to American Compounding dba Northridge Tower Pharmacy, Massoud Zarkesh,
 28 Pharmacist-In-Charge (Respondent). The Pharmacy Permit was cancelled on October 26, 2016.

3. On or about April 23, 1988, the Board of Pharmacy issued Pharmacist License Number RPH 41592 to Massoud Zarkesh. The Pharmacist License expires on June 30, 2019, unless renewed.

4. American Compounding dba Northridge Tower Pharmacy, Massoud Zarkesh, Pharmacist-In-Charge and Massoud Zarkesh shall collective be referred to as "Respondents".

JURISDICTION

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

6. Section 4300 of the Code states:

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

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

"(c) 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. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

"(1) Medical or psychiatric evaluation.

"(2) Continuing medical or psychiatric treatment.

"(3) Restriction of type or circumstances of practice.

1 "(4) Continuing participation in a board-approved rehabilitation program.

2 "(5) Abstention from the use of alcohol or drugs.

3 "(6) Random fluid testing for alcohol or drugs.

4 "(7) Compliance with laws and regulations governing the practice of pharmacy.

5 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
6 certificate of licensure for any violation of the terms and conditions of probation. Upon
7 satisfactory completion of probation, the board shall convert the probationary certificate to a
8 regular certificate, free of conditions.

9 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
10 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
11 shall have all the powers granted therein. The action shall be final, except that the propriety of the
12 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
13 Procedure."

14 7. Section 4300.1 of the Code states:

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

20 8. Section 4301 of the Code states:

21 "The board shall take action against any holder of a license who is guilty of unprofessional
22 conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is
23 not limited to, any of the following:

24 "..."

25 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
26 of Section 11153 of the Health and Safety Code.

27 : "..."

1 “(j) The violation of any of the statutes of this state, of any other state, or of the United
2 States regulating controlled substances and dangerous drugs.

3 “...”

4 “(q) Engaging in any conduct that subverts or attempts to subvert an investigation of the
5 board.

6 “....”

7 Section 4113 subdivision (c) of the Code provides:

8 “...”

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

11 “....”

12 9. Section 4333 subdivision (a) of the Code states:

13 “(a) All prescriptions filled by a pharmacy and all other records required by Section 4081
14 shall be maintained on the premises and available for inspection by authorized officers of the law
15 for a period of at least three years. In cases where the pharmacy discontinues business, these
16 records shall be maintained in a board-licensed facility for at least three years.”

17 10. Section 4063 of the Code states:

18 “No prescription for any dangerous drug or dangerous device may be refilled except upon
19 authorization of the prescriber. The authorization may be given orally or at the time of giving the
20 original prescription. No prescription for any dangerous drug that is a controlled substance may be
21 designated refillable as needed.”

22 11. Section 4081 of the Code states:

23 “(a) All records of manufacture and of sale, acquisition, receipt, shipment, or disposition of
24 dangerous drugs or dangerous devices shall be at all times during business hours open to
25 inspection by authorized officers of the law, and shall be preserved for at least three years from the
26 date of making. A current inventory shall be kept by every manufacturer, wholesaler, third-party
27 logistics provider, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist,
28 veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and

1 unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing
2 with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section
3 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
4 drugs or dangerous devices.

5
6 “(b) The owner, officer, and partner of a pharmacy, wholesaler, third-party logistics
7 provider, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-
8 in-charge, responsible manager, or designated representative-in-charge, for maintaining the records
9 and inventory described in this section.

10 “(c) The pharmacist-in-charge, responsible manager, or designated representative-in-charge
11 shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate
12 this section and of which the pharmacist-in-charge, responsible manager, or designated
13 representative-in-charge had no knowledge, or in which he or she did not knowingly participate.”

14 12. Section 4040 of the Code states:

15 “(a) Prescription means an oral, written, or electronic transmission order that is both of the
16 following:

17 “(1) Given individually for the person or persons for whom ordered that includes all of the
18 following:

19 “... ”

20 “(B) The name and quantity of the drug or device prescribed and the directions for use.

21 “....”

22 13. Section 4105 of the Code states:

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

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

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

3 “(d) (1) Any records that are maintained electronically shall be maintained so that the
4 pharmacist-in-charge, or the pharmacist on duty if the pharmacist-in-charge is not on duty, shall, at
5 all times during which the licensed premises are open for business, be able to produce a hardcopy
6 and electronic copy of all records of acquisition or disposition or other drug or dispensing-related
7 records maintained electronically.

8 “(2) In the case of a veterinary food-animal drug retailer, wholesaler, or third-party logistics
9 provider, any records that are maintained electronically shall be maintained so that the designated
10 representative-in-charge or the responsible manager, or the designated representative on duty or
11 the designated representative-3PL on duty if the designated representative-in-charge or responsible
12 manager is not on duty, shall, at all times during which the licensed place of business is open for
13 business, be able to produce a hardcopy and electronic copy of all records of acquisition or
14 disposition or other drug or dispensing-related records maintained electronically.

15 “(e) (1) Notwithstanding subdivisions (a), (b), and (c), the board may, upon written request,
16 grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b),
17 and (c) be kept on the licensed premises.

18 “(2) A waiver granted pursuant to this subdivision shall not affect the board's authority
19 under this section or any other provision of this chapter.

20 “(f) When requested by an authorized officer of the law or by an authorized representative of
21 the board, the owner, corporate officer, or manager of an entity licensed by the board shall provide
22 the board with the requested records within three business days of the time the request was made.
23 The entity may request in writing an extension of this timeframe for a period not to exceed 14
24 calendar days from the date the records were requested. A request for an extension of time is
25 subject to the approval of the board. An extension shall be deemed approved if the board fails to
26 deny the extension request within two business days of the time the extension request was made
27 directly to the board.”

28 14. Health and Safety Code section 11153 subdivision (a) provides:

(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.

15. Health and Safety Code section 11165 subdivision (d) provides:

“(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of Title 21 of the Code of Federal regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed, in a format specified by the Department of Justice:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

- 1 (5) Quantity of the controlled substance dispensed.
- 2 (6) International Statistical Classification of Diseases, 9th revision (ICD-9) or 10th
- 3 revision (ICD-10) Code, if available.
- 4 (7) Number of refills ordered.
- 5 (8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.
- 6 (9) Date of origin of the prescription.
- 7 (10) Date of dispensing of the prescription."

8 16. Health and Safety Code section 11206 provides:

9 Filed prescriptions shall constitute a transaction record that, together with information that is
10 readily retrievable in the pharmacy pursuant to Section 11164 shall show or include the following:

- 11 (a) The name(s) and address of the patient(s).
- 12 (b) The date.
- 13 (c) The character, including the name and strength, quantity, and directions for use of the
- 14 controlled substance involved.
- 15 (d) The name, address, telephone number, category of professional licensure, and the federal
- 16 controlled substance registration number of the prescriber.

17 REGULATIONS

18 17. Title 16 of the California Code of Regulations 1761 subdivision (a) provides:

19 "(a) No pharmacist shall compound or dispense any prescription which contains any
20 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
21 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
22 validate the prescription."

23 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
24 a controlled substance prescription where the pharmacist knows or has objective reason to know
25 that said prescription was not issued for a legitimate medical purpose."

26 18. Title 16 of California Code of Regulations, section 1716 provides:

27
28

1 "Pharmacists shall not deviate from the requirements of a prescription except upon the prior
2 consent of the prescriber or to select the drug product in accordance with Section 4073 of the
3 Business and Professions Code."

4 19. Title 21 of Code of Federal Regulations, section 1306.22 subdivision s(e)(2) provides:

5 "(e) The prescribing practitioner may authorize additional refills of Schedule III or IV
6 controlled substances on the original prescription through an oral refill authorization transmitted to
7 the pharmacist provided the following conditions are met:

8 "..."

9 "(2) The pharmacist obtaining the oral authorization records on the reverse of the
10 original paper prescription or annotates the electronic prescription record with the date, quantity of
11 refill, number of additional refills authorized, and initials the paper prescription or annotates the
12 electronic prescription record showing who received the authorization from the prescribing
13 practitioner who issued the original prescription."

14 COSTS

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

19 FIRST CAUSE FOR DISCIPLINE

20 (Corresponding Responsibility against Respondents)

21 21. Respondents are subject to disciplinary action under section 4301 subdivisions (d) and
22 (j) of the Code in conjunction with Section 4113 subdivision (c) of the Code, Health and Safety
23 Code section 11153 and section 1761 of title 16 of the California Code of Regulations in that
24 while responsibility for the proper prescribing and dispensing of controlled substances rests upon
25 the prescribing practitioner, a corresponding responsibility rests with the pharmacist who fills the
26 prescription to ensure that not controlled substance prescriptions are not dispensed when the
27 pharmacist knows or has objective reason to know that said prescription was issued for an
28 illegitimate medical purpose. The circumstances surrounding this violation are as follows:

22. Respondents dispensed controlled substances with an established history of high potential for abuse despite multiple red flags of irregularity and uncertainty related to patient and prescriber factors. Specifically, between on or about November 01, 2012 and November 25, 2013, Respondents dispensed approximately 373 controlled substance prescriptions written by Dr. M.N¹., Dr. F.R., Dr. M.Z., and Dr. S.Y., with disregard and/or negligence to the following factors: distance from Northridge Tower Pharmacy to each prescriber's office, distance from the pharmacy to each patient's home, percentage of cash patients specific to listed prescribers, same or similar prescribing patterns for individual patients, and filling same controlled substance prescriptions to patients with same address.

SECOND CAUSE FOR DISCIPLINE

(Missing CURES Data)

23. Respondents are subject to disciplinary action under Health & Safety Code section 11165, subdivision (d) in that they failed to report prescriptions for Schedule II, Schedule III, or Schedule IV controlled substances to the Controlled Substance Utilization Review and Evaluation System (CURES) at the Department of Justice within seven days after the date the controlled substance was dispensed. The circumstances are as follows:

24. From in or about 2011 through 2013, Respondents did not transmit complete CURES data and any data that was provided wasn't transmitted until March, 2015.

THIRD CAUSE FOR DISCIPLINE

(Subverting an Investigation)

25. Respondents are subject to disciplinary action under section 4301 subdivision (q) as it relates to sections 4333 subdivision (a), 4081 and 4105 in that Respondents failed to cooperate with a Board investigation and failed to maintain prescriptions and other records on its premises, available for inspection, for a period of at least three (3) years. The circumstances are as follows:

26. On or about March 25, 2015, Respondents sold a part of its business, including prescriptions under investigation, to CVS 9642 without informing the Board Inspector and did not

¹ Potential witness initials are used in lieu of real names in order to protect that individual's privacy.

1 cooperate during the collection of original documents. Specifically, Northridge Tower Pharmacy
2 failed to submit original documents for 111 new prescriptions and 183 refill prescriptions.

3 **FOURTH CAUSE FOR DISCIPLINE**

4 (Unauthorized Refills)

5 27. Respondents are subject to disciplinary action under section 4063 as it relates to Title
6 21 Code of Federal Regulations Section 1306.22 in that prescriptions for any dangerous drug may
7 only be refilled upon authorization of the prescriber and the prescribing practitioner may authorize
8 additional refills of Schedule III or IV controlled substances on the original prescription through an
9 oral refill authorization so long as the pharmacist records on the reverse of the original paper
10 prescription or annotates the electronic prescription record with the date, quantity of refill, number
11 of additional refills authorized, and initials the paper prescription. The circumstances are as
12 follows:

13 28. From on or about November 01, 2012 to November 25, 2013, Respondents refilled
14 163 unauthorized prescriptions which did not contain authorized refills on the original
15 prescriptions.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 (Dispensing Wrong Medication)

18 29. Respondents are subject to disciplinary action under section 1716 in that a pharmacist
19 shall not deviate from the requirements of a prescription except upon the prior consent of the
20 prescriber. The circumstances are as follows:

21 30. On or about May 28, 2013, Respondents dispensed morphine sulfate 15mg immediate
22 release (prescription number 1066710) instead of morphine sulfate 15mg sustained release for
23 patient F.J. In addition, on or about September 3, 2013, Respondents dispensed morphine sulfate
24 15mg immediate release (prescription number 1066853) instead of morphine sulfate 15mg
25 sustained release for patient F.J.

SIXTH CAUSE FOR DISCIPLINE

(Required Information Missing on Prescription)

31. Respondents are subject to disciplinary action under Health and Safety Code Section 11206 as it relates to section 4040 in that filled prescriptions shall have a transaction record that shows or includes the quantity of the controlled substance involved. The circumstances are as follows:

32. On or about August 16, 2013, prescription number 5024918 for Lortab 10/500mg was filled for 120 tablets although the prescription did not indicate the total quantity.

OTHER MATTERS

33. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 43998, issued to American Compounding dba Northridge Tower Pharmacy Massoud Zarkesh, Pharmacist-In-Charge (American Compounding), American Compounding shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if PHY 43998 is placed on probation or until PHY 43998 is reinstated if it is revoked.

34. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 43998, issued to American Compounding dba Northridge Tower Pharmacy Massoud Zarkesh, Pharmacist-In-Charge, while Massoud Zarkesh (Zarkesh) has been an officer and owner and had had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Zarkesh shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if PHY 43998 is placed on probation or until PHY 48538 is reinstated if it is revoked.

35. Pursuant to Code section 4307, if discipline is imposed on Pharmacy license RPH 41592 issued to Massoud Zarkesh (Zarkesh), Zarkesh shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if RPH 41592 is placed on probation or until RPH 41592 is reinstated if it is revoked.

DISCIPLINE CONSIDERATIONS

36. To determine the degree of discipline, if any, to be imposed on Respondent Massoud Zarkesh, Complainant alleges that on or about June 23, 2011, in a prior action, the Board of Pharmacy issued Citation Number Citation # CI 2010 48667 to Respondent Massoud Zarkesh. No fine was issued. That Citation is now final and is incorporated by reference as if fully set forth.

37. To determine the degree of discipline, if any, to be imposed on Respondent Northridge Tower Pharmacy, Complainant alleges that on or about June 23, 2011, in a prior action, the Board of Pharmacy issued Citation Number Citation # CI 2010 45004 and ordered Respondent Northridge Tower Pharmacy to pay a fine in the amount of \$500. That Citation is now final and is incorporated by reference as if fully set forth.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 43998, issued to American Compounding dba Northridge Tower Pharmacy, Massoud Zarkesh, Pharmacist-In-Charge
2. Revoking or suspending Pharmacist License Number RPH 41592, issued to Massoud Zarkesh
3. Ordering American Compounding dba Northridge Tower Pharmacy and Massoud Zarkesh to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 4/27/18

Virginia Herold

VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

LA2015603774
52187230.doc

DECLARATION OF MICHAEL CALLI

I, Michael Calli, declare:

The foregoing are matters personally known to me and if called to testify, I could and would competently testify thereto.

1. I am the Director of Acquisitions for CVS for Arizona, California, Hawaii, New Mexico and Nevada.

2. Based upon the files for CVS regarding our acquisition of prescription files from Northridge Tower Pharmacy which I have personally reviewed, I can state the following:

--Discussions regarding acquiring the prescription files began in 2011. The file contains a Confidentiality Agreement that was sent to Northridge Tower Pharmacy on May 6, 2011.

--On October 14, 2014, we pulled full data from our outside computer vendor to work up an offer.

--On January 7, 2015, I sent Mr. Zarkesh a Letter of Intent.

--On February 23, 2015, Kelly Lajoie-Burns in our Legal Department sent Mr. Zarkesh the contract for the purchase of the pharmacy's prescription files.

On March 25, 2015, Mr. Zakesh signed the final version of the contract which was the same day of the closing.

I hereby declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Dated: _____ 2018 at _____ (City, State)

MICHAEL CALLI

Garabed Kayekjian, M.D.
18250 Roscoe Blvd. #130
Northridge, CA 91325
Tel: (818) 998-8097
Fax: (818) 998-6517

August 8, 2018

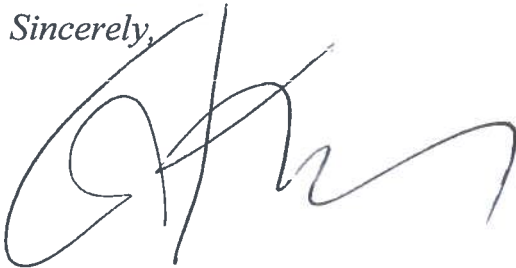
Re: Massoud Zarkesh

To whom it may concern,

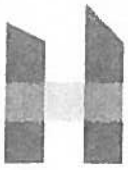
I am pleased to write a letter of recommendation for Mr. Massoud Zarkesh who was the pharmacist at Northridge Tower Pharmacy at Northridge tower building, where I practice, for many years. I have known Massoud for almost twenty years during which he proved to be a very honest, diligent and ethically sound pharmacist. He is a very knowledgeable and passionate pharmacist who is committed to provide the best care to our patients. He is known to fill medications with 100% accuracy and even going above and beyond to assist patients get the medications they needed. He is also known to have compassion, understanding, and professionalism in his interactions with patients, staff, and physicians.

Please feel free to call me if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'G. Kayekjian', written over a horizontal line.

Garabed Kayekjian, M.D.



HEALTH CARE SERVICES



MEMORANDUM

Date : June 29th 2018

To : Future Employment

From : Maria Baxter, PSM, California Men's Colony

Subject : **REFERENCE LETTER**

To whom it may concern,

I recommend Massoud Zarkesh as a candidate for employment. I confirm that Massoud worked here at California Men's Colony from March 19th 2018 until June 29th 2018 as a Registry Pharmacist I.

Massoud was employed as CMC's late shift pharmacist including all narcotic and controlled inventory maintenance within the pharmacy and clinics. On June 1st we had to implement a new system/procedure for reconciling control drugs that resulted from one of the Board of Pharmacy's new laws on reconciliation of control drugs. Massoud helped out tremendously with the new process.

Although Massoud worked at a previous California Institution, he had to learn to use the new CERNER program that CMC already adopted. He did accomplish that in a very short time.

We thank Massoud, for his time here at CMC as he stepped in when one of our permanent pharmacist had to take unforeseen sick leave, and I wish him well on his future employment.

Yours sincerely

Maria Baxter
Pharmacy Services Manager – CMC
805 547 7900 ext 7887

STEVEN W. YORK, M.D.
18250 ROSCOE BOULEVARD, SUITE 260
NORTHRIDGE, CA 91325
(818) 349-6725 FAX (818) 349-6761

October 22, 2018

State Board of Pharmacy
Department of Consumer Affairs
State of California

Re.: Massoud Zarkesh
Pharmacist License # RPH 41592

I am a physician licensed in the state of California. My office is located at 18250 Roscoe Blvd, Ste 260, Northridge, CA 91325. I have been practicing at that location since 2002. I met Mr. Zarkesh shortly after moving into that building.

I have known him as the pharmacist who was located on the ground floor of the building. He has always been cooperative, helpful, and conscientious. He has sought clarification when needed and called attention to potential problems. He never hesitated to contact me if there was a point of concern.

I have always known him to be competent, honest, and a person of integrity. His reputation in the community has been excellent. His clientele have always appreciated that he was helpful and cheerful. He always worked to help them with their health and pharmaceutical needs. He was consistently willing to talk and give guidance and knowledge.

I believe him to be both a competent and an ethical pharmacist and person.

I hereby declare under penalty of perjury under the laws of California, that the above is true and correct.

Dated: October 22, 2018



Steven W. York, M.D.



MID VALLEY ENDODONTICS

AFSHIN MAZDEY, DDS
(AFSHIN MAZDEYASNAN, DDS)

DIPLOMATE, AMERICAN BOARD OF ENDODONTICS

PRACTICE LIMITED TO ENDODONTICS AND MICROSURGERY



To whom it may concern.

I have known Mr. Mike Zarkesh on a professional capacity since 2006. When I started my Endodontic practice in Northridge, I had the pleasure of meeting Mr. Zarkesh. He owned and operated the pharmacy on the first floor where my practice is. Given my limited scope of practice in Endodontics and the limited daily prescriptions that I prescribe, my patients did use his pharmacy periodically. I received nothing but positive feedback from my patients. They reported efficiency and excellent rapport. I understand that Mike has moved on and has sold his pharmacy a few years ago. I wish him nothing but the best in his new endeavors.

Sincerely,

Afshin Mazdeyasnan DDS

10/22/2018

Maurice T. Zagha, M.D., Inc.



DIPLOMATE AMERICAN ACADEMY OF FAMILY PRACTICE
BOARD CERTIFIED: FAMILY PRACTICE

16133 VENTURA BOULEVARD, SUITE 300
ENCINO, CALIFORNIA 91436 12/25/18
(818) 907-6525

TO WHOM IT MAY CONCERN;

THIS NOTE IS TO VERIFY THAT I WROTE PRESCRIPTIONS FOR PATIENTS, KIMBERLY HUNT AND MARILYN MCKINLEY (AKA LIDILJAK). BOTH OF THESE PATIENTS SUFFERED FROM CHRONIC BACK PAIN. I PRESCRIBED THEM MEDICATIONS IN 2011.

Sincerely,
Maurice T. Zagha, M.D.

I CERTIFY THAT THIS NOTE IS WRITTEN AS A LEGAL OATH UNDER LAW THAT THE ABOVE IS AN HONEST AND TRUE NOTE UNDER THE RISK OF PERJURY.

m78

*E. Ruth Mezquita, M.D., Ph.D.
Marmer & Mezquita, A Medical Corporation
11611 San Vicente Boulevard, Suite 510
Los Angeles, CA 90049
Phone: 310-820-4330; Fax: 310-207-7103*

November 26, 2018

To whom it may concern,

I had the pleasure to be assisted in my practice as a Psychiatrist in Northridge by Pharmacist Mike Zarkesh from January 2002 until approximately 2014. I found Mr. Zarkesh to be an affable, competent and precise pharmacist. I heard no complaints from any of my patients; there were no errors spotted by my staff or myself.

I am currently only practicing in my office in West Los Angeles and no longer have an office in Northridge.

I have not seen Mr. Zarkesh in approximately three years.

Regards,



Elva R. Mezquita, MD, PhD
State License #A22118: in the state of California
NPI: 1891993309



Kiran Kamat MD

818-428-3237

18250 Roscoe Boulevard, Ste 245, Northridge CA 91325

December 16, 2018

State Board of Pharmacy
Department of Consumer Affairs
State of California

Re: Massoud Zarkesh

Pharmacist Licence # RPH 41592

Dear Sirs, it is my pleasure to recommend Massoud (Mike) Zarkesh as a pharmacist who is reliable and ethical, as I have known him during the many years I have been at Northridge Medical Tower since 2003. It is a big loss that he is no longer in charge of pharmacy downstairs, as he had completely dedicated himself to health care, taking care of my patients six days a week. Whenever someone was on Clozaril, he made sure the required lab work was done before dispensing the medication.

He was a particularly insightful, sensitive, knowledgeable, and caring pharmacist to work with and we had a great communication back and forth. I felt an extra level of confidence when he was the pharmacist downstairs. He was an asset that will be greatly missed in my professional life.

Sincerely yours,

Kiran Kamat MD

To whom it may concern,

The purpose of this letter is to provide a character reference for Massoud (Mike) Zarkesh, whom I have known him as a pharmacist in our medical building for fifteen years . As a pharmacist, he has been highly committed to patient care because he or his staff consistently called my office to get authorization on refill and new prescriptions .He has offered flu shot for many years in his pharmacy which indicates his commitment to community health promotion. He has always been known as a motivated and positive pharmacist . I have noticed how he has treated the patients with compassion , respect and understanding while acting as a professional health care provider . Based on my experience through years of working in Northridge medical building , Massoud has done a great job managing and helping our patients to get their medications in a timely manner with 100% accuracy. He has been known as an ethical, professional , motivated pharmacist who cares about patient safety by following up patient care with my office during years he worked in Northridge Medical building .

I have read and understood the Accusation against Massoud Zarkesh .I believe Mr. Zarkesh is an outstanding pharmacist and feel strongly about his good character and trustworthiness who has never poses any harm to the safety of patients. I promise under the penalty of perjury of the laws of California, that the foregoing is true and correct.

J K. Gogami
2/20/19

STEVEN W. YORK, M.D.
18250 ROSCOE BOULEVARD, SUITE 260
NORTHRIDGE, CA 91325
(818) 349-6725 FAX (818) 349-6761

February 21, 2019

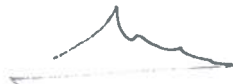
To whom it may concern:

This letter is to certify that I wrote prescriptions, for Schedule II medications, for the following patients:

Deron McBee
Frank Jacobs
Sean Ezell
Kevan Goodman
John Sorce

I certify that this letter is written as a legal oath under law, and that the above is honest and true, under risk of perjury.

Respectfully yours,


A handwritten signature in black ink, appearing to read 'Steven W. York', with a stylized, slightly jagged underline.

Steven W. York, M.D.

To whom it may concern,

I am writing this letter to give my highest recommendation of ethic and honesty as a professional pharmacist to Massoud Zarkesh . Massoud Zarkesh has practiced pharmacy in Northridge Medical building and I have known him for more than fifteen years and I have worked in his pharmacy as a registered pharmacist. His knowledge and dedication as a pharmacist by helping interns and staff and the patients was always appreciated . Massoud Zarkesh is a good manager that follows the rules and regulations of the pharmacy practice. He is a very capable pharmacist who is passionate about health care and pharmacy.

I have read and understood the Accusation against Massoud Zarkesh .I believe Mr. Zarkesh is an outstanding pharmacist and feel strongly about his good character and trustworthiness who has never poses any harm to the safety of patients. I truly do not believe that Mr. Zarkesh poses any harm to the safety of patients . I promise under the penalty of perjury of the laws of California, that the foregoing is true and correct.

Ben Akien, Pharm D.
 2/21/19