

AO 257 (Rev. 8/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  SUPERSEDING

OFFENSE CHARGED

Count 1: 21 U.S.C. s. 331(t), 333(b)(1)(B), 353(c) - knowingly offering to sell or trade a prescription drug sample;
Count 2: 21 U.S.C. s. 331(k) and 333(a)(2) -- misbranding drugs while held for sale with the intent to defraud or mislead.
PENALTY: Count 1: 10 years imprisonment, 3 years supervised release, \$250,000 fine or twice value of gain or loss, \$100 spec. assess.
Count 2: 3 years imprisonment; 1 years supervised release, \$10,000 fine or twice value of gain or loss, \$100 spec. assess.

Name of District Court, and/or Judge/Magistrate Location
NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S. DISTRICT COURT
RANDALL TONELLI
DISTRICT COURT NUMBER
CR 16 72

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

FDA

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:
SHOW DOCKET NO.
U.S. ATTORNEY DEFENSE

this prosecution relates to a pending case involving this same defendant
MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person Furnishing Information on this form
AUSA Kirstin M. Ault
U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)
AUSA Kirstin M. Ault

DEFENDANT

IS NOT IN CUSTODY

- Has not been arrested, pending outcome this proceeding.
1) If not detained give date any prior summons was served on above charges
2) Is a Fugitive
3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
5) On another conviction Federal State
6) Awaiting trial on other charges
If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No
If "Yes" give date filed

DATE OF ARREST
Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY
Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS\* WARRANT

If Summons, complete following:
Arraignment Initial Appearance

Defendant Address:

Bail Amount:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: Before Judge:

Comments:

**FILED**  
2016 FEB 19 P 1:47  
SUSAN Y. SOONG  
CLERK, US DISTRICT COURT  
NO. DIST. OF CA.

1 BRIAN J. STRETCH (CABN 163973)  
Acting United States Attorney

8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

**TEH**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 RANDALL TONELLI,

15 Defendant.

**CR 16**

**72**

VIOLATIONS: 21 U.S.C. §§ 331, 333, 353 –  
Offering Prescription Drug Samples for Sale;  
21 U.S.C. §§ 331, 333 – Misbranding Drugs While  
Held for Sale;  
18 U.S.C. § 982(a)(7) – Forfeiture

SAN FRANCISCO VENUE

18  
19 INFORMATION

20 COUNT ONE: (21 U.S.C. §§ 331, 333, 353 – Offering Prescription Drug Samples For Sale)

21 1. Beginning at a time unknown to the grand jury, but no later than January of 2010, and  
22 ending on or about August 16, 2012, in the Northern District of California and elsewhere, the defendant,

23 RANDALL TONELLI,

24 did knowingly offer to sell and trade a prescription drug sample, in violation of 21 U.S.C. §§ 331(t),  
25 333(b)(1)(B), and 353(c).

26 ///

27 ///

28 ///

INFORMATION

1 COUNT TWO: (21 U.S.C. §§ 331, 333 – Misbranding Drugs While Held for Sale)

2 2. Beginning at a time unknown to the grand jury, but no later than January of 2010, and  
3 ending on or about August 16, 2012, in the Northern District of California and elsewhere, the defendant,  
4 RANDALL TONELLI,  
5 did alter, mutilate, destroy, obliterate, and remove the whole or any part of the labeling and did any other  
6 act with respect to a drug, while the drug was held for sale, after shipment in interstate commerce, which  
7 act resulted in the drug being misbranded, all with the intent to defraud and mislead as to a material  
8 matter, in violation of 21 U.S.C. §§ 331(k) and 333(a)(2).

9  
10 FORFEITURE ALLEGATION:

11 3. Pursuant to Title 18, United States Code, Section 982(a)(7), upon conviction of the  
12 offenses alleged in Counts One or Two, the defendant,  
13 RANDALL TONELLI,  
14 shall forfeit to the United States of America any property constituting, or derived from, any proceeds  
15 obtained, directly or indirectly, as the result of such offenses and any property used, or intended to be  
16 used, in any manner or part, to commit, or to facilitate the commission of, the offenses. The property to  
17 be forfeited includes, but is not limited to, a money judgment equivalent to the sales proceeds from the  
18 drugs or drug samples described in Counts one and Two.

19 4. If any of the property described above, as a result of any act or omission of the defendant:  
20 a. cannot be located upon the exercise of due diligence;  
21 b. has been transferred or sold to, or deposited with, a third party;  
22 c. has been placed beyond the jurisdiction of the Court;  
23 d. has been substantially diminished in value; or  
24 e. has been commingled with other property which cannot be divided without  
25 difficulty,

26 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 18,  
27 United States Code, Section 982(b)(1) and Title 21, United States Code, Section 853(p).

28 ///

1 SENTENCING ALLEGATION

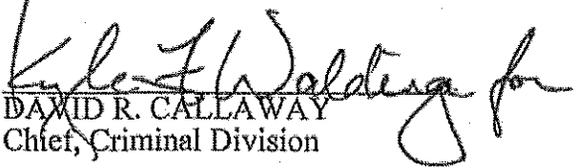
2 5. With respect to the charges in this Indictment, for purposes of determining the alternative  
3 maximum fine pursuant to Title 18, United States Code, Section 3571(d), the defendant,

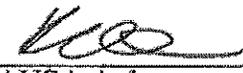
4 RANDALL TONELLI,

5 derived gross gains and/or caused gross loss of at least \$ 850,000.

6 DATED: 2/19/2016

7 BRIAN J. STRETCH  
Acting United States Attorney

8   
9 DAVID R. CALLAWAY  
10 Chief, Criminal Division

11  
12 (Approved as to form: )  
13 AUSA Ault

United States District Court  
Northern District of California

CRIMINAL COVER SHEET

FILED  
2016 FEB 19 P 1:47  
SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NO. 16-CR-00072-TEH

**Instructions:** Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted along with the Defendant Information Form, for each new criminal case.

Case Name:

USA v. RANDALL TONELLI

CR Case Number: 16 72

Total Number of Defendants:

1  2-7  8 or more

Is This Case Under Seal?

Yes  No

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes  No

Venue (Per Crim. L.R. 18-1):

SF  OAK  SJ  EUR  MON

Is any defendant charged with a death-penalty-eligible crime?

Yes  No

Assigned AUSA (Lead Attorney):

Kirstin M. Ault

Is this a RICO Act gang case?

Yes  No

Date Submitted:

2/19/2016

Comments:

[Empty text box for comments]

Save Print Clear Form

**UNITED STATES DISTRICT COURT  
Northern District of California**

**UNITED STATES OF AMERICA**

v.

Randall Tonelli

) **JUDGMENT IN A CRIMINAL CASE**

)  
) USDC Case Number: CR-16-00072-001 TEH  
) BOP Case Number: DCAN316CR00072-001  
) USM Number: 23379-111  
) Defendant's Attorney: Robin Linsenmayer (Retained)

**THE DEFENDANT:**

- pleaded guilty to counts: One and Two of the Information.
- pleaded nolo contendere to count(s): \_\_\_\_\_ which was accepted by the court.
- was found guilty on count(s): \_\_\_\_\_ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 U.S.C. §§ 331(i), 333(b)(1)(B), and 353(c)	Knowingly Offering to Sell or Trade a Prescription Drug Sample	August 16, 2012	1
21 U.S.C. §§ 331(k) and 333(a)(2)	Misbranding Drugs While Held for Sale with the Intent to Defraud or Mislead	August 16, 2012	2

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s): \_\_\_\_\_
- Count(s) \_\_\_\_\_ is/are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

7/11/2016

Date of Imposition of Judgment



Signature of Judge

The Honorable Thelton E. Henderson  
Senior United States District Judge

Name & Title of Judge

7/12/2016

Date

**PROBATION**

The defendant is hereby sentenced to probation for a term of: Five (5) years. This term consists of five years on each of Counts 1 and 2, all such terms to run concurrently.

The appearance bond is hereby exonerated. Any cash bail plus interest shall be returned to the owner(s) listed on the Affidavit of Owner of Cash Security form on file in the Clerk's Office

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

**STANDARD CONDITIONS OF SUPERVISION**

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) The defendant shall support his or her dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

### **SPECIAL CONDITIONS OF SUPERVISION**

1. The defendant shall pay any special assessment that is imposed by this judgment and that remains unpaid at the commencement of the term of probation.
2. The defendant shall not open any new lines of credit and/or incur new debt without the prior permission of the probation officer.
3. The defendant shall provide the probation officer with access to any financial information, including tax returns, and shall authorize the probation officer to conduct credit checks and obtain copies of income tax returns.
4. The defendant shall not be employed in any capacity in which he is a pharmacist or works at a pharmacy without the prior approval of the probation officer.
5. The defendant shall submit to a search of his person, residence, office, vehicle, or any property under his control. Such a search shall be conducted by a United States Probation Officer or any federal, state or local law enforcement officer at any time with or without suspicion. Failure to submit to such a search may be grounds for revocation; the defendant shall warn any residents that the premises may be subject to searches.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
7. The defendant shall not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons.



AO 245B (Rev. AO 09/11-CAN 03/14) Judgment in Criminal Case

DEFENDANT: Randall Tonelli

Judgment - Page 5 of 5

CASE NUMBER: CR-16-00072-001 TEH

**SCHEDULE OF PAYMENTS**

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows\*:

- A  Lump sum payment of \$200 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D, or  E, and/or  F below); or
- B  Payment to begin immediately (may be combined with  C,  D, or  F below); or
- C  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F  Special instructions regarding the payment of criminal monetary penalties:  
Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102. The special assessment shall be paid within 30 days of imposition of judgment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Case Number Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate

- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s): \_\_\_\_\_
- The defendant shall forfeit the defendant's interest in the following property to the United States: \$884.809.21 and a California Board of Pharmacy License Number 24318 for Randall W. Tonelli
- The Court gives notice that this case involves other defendants who may be held jointly and severally liable for payment of all or part of the restitution ordered herein and may order such payment in the future, **but such future orders do not affect the defendant's responsibility for the full amount of the restitution ordered.**

\* Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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

In the Matter of the Accusation Against:

Case No. 5102

**PHARMACIA CORPORATION d.b.a  
1800 SULLIVAN PHARMACY  
William M. Tonelli, President  
Elsie Tonelli, Vice President  
Randall W. Tonelli, Secretary and  
Pharmacist-in-Charge  
1800 Sullivan Avenue, Suite 102  
Daly City, CA 94015**

**Pharmacy Permit No. PHY 18784**

and

**RANDALL W. TONELLI  
14 Golden Ridge Court  
San Mateo, CA 94402**

**Pharmacist License No. RPH 24318**

Respondents.

**DECISION AND ORDER**

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective at 5:00 p.m. on December 22, 2016.

It is so ORDERED on November 22, 2016.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 ASPASIA A. PAPAVALASSILOU  
Deputy Attorney General  
4 State Bar No. 196360  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0818  
Facsimile: (510) 622-2270  
7 E-mail: [Aspasia.Papavassillou@doj.ca.gov](mailto:Aspasia.Papavassillou@doj.ca.gov)  
*Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 5102

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

13 **PHARMACIA CORPORATION d.b.a.**  
**1800 SULLIVAN PHARMACY**  
14 **William M. Tonelli, President**  
**Elsie Tonelli, Vice President**  
15 **Randall W. Tonelli, Secretary and**  
**Pharmacist-in-Charge**  
16 **1800 Sullivan Avenue, Suite 102**  
**Daly City, CA 94015**

17 **Pharmacy Permit No. PHY 18784**

18 and

19 **RANDALL W. TONELLI**  
20 **14 Golden Ridge Court**  
**San Mateo, CA 94402**

21 **Pharmacist License No. RPH 24318**

22 Respondents.  
23

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

26 **PARTIES**

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

1 Kamala D. Harris, Attorney General of the State of California, by Aspasia A. Papavassiliou,  
2 Deputy Attorney General.

3 2. Respondents 1800 Sullivan Pharmacy and Randall W. Tonelli are represented in this  
4 proceeding by attorney Alexander M. Medina, whose address is 983 Reserve Drive, Roseville,  
5 CA 95678.

6 3. On or about July 29, 1985, the Board of Pharmacy issued Pharmacy Permit Number  
7 PHY 18784 to Pharmacia Corporation doing business as 1800 Sullivan Pharmacy (Respondent  
8 Pharmacy), with William M. Tonelli as President, Elsie Tonelli as Vice President, and Randall W.  
9 Tonelli as Secretary and Pharmacist-in-Charge. The permit will expire on February 1, 2017,  
10 unless renewed.

11 4. On or about October 29, 1965, the Board of Pharmacy issued Pharmacist License  
12 Number RPH 24318 to Randall W. Tonelli (Respondent Pharmacist). The license will expire on  
13 February 20, 2017, unless renewed.

14 JURISDICTION

15 5. The First Amended Accusation in Case No. 5102 was filed before the Board and is  
16 currently pending against Respondents. The original Accusation and all other statutorily required  
17 documents were properly served on Respondent on June 2, 2016. Respondents timely filed their  
18 Notice of Defense contesting the Accusation. A copy of the First Amended Accusation is  
19 attached as Exhibit A and incorporated by reference.

20 ADVISEMENT AND WAIVERS

21 6. Respondent Pharmacist, individually and on behalf of Respondent Pharmacy, has  
22 carefully read, fully discussed with counsel, and understands the charges and allegations in the  
23 First Amended Accusation, Case No. 5102, and has also carefully read, fully discussed with  
24 counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

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

#### 5 CULPABILITY

6 9. Respondents understand that the charges and allegations in the First Amended  
7 Accusation, Case No. 5102, if proven at a hearing, constitute cause for imposing discipline upon  
8 their pharmacy permit and pharmacist license.

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

14 11. Respondents understand that by signing this stipulation, they enable the Board to  
15 issue an order accepting the surrender of their pharmacy permit and pharmacist license without  
16 further process.

#### 17 RESERVATION

18 12. The admissions made by Respondents in this stipulation are only for the purposes of  
19 this proceeding, or any other proceedings in which the Board of Pharmacy or other professional  
20 licensing agency is involved, and shall not be admissible in any other criminal or civil  
21 proceeding.

#### 22 CONTINGENCY

23 13. This stipulation shall be subject to approval by the Board. Respondents understand  
24 and agree that counsel for Complainant and the staff of the Board may communicate directly with  
25 the Board regarding this stipulation and surrender, without notice to or participation by  
26 Respondents or their counsel. By signing the stipulation, Respondents understand and agree that  
27 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the  
28 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and

1 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for  
2 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
3 not be disqualified from further action by having considered this matter.

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

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

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

15 **ORDER**

16 IT IS HEREBY ORDERED that the following licenses are surrendered and accepted by the  
17 Board of Pharmacy: 1) Pharmacy Permit No. PHY 18784, issued to Pharmacia Corporation doing  
18 business as 1800 Sullivan Pharmacy (Respondent Pharmacy) and Pharmacist License No. RPH  
19 24318, issued to Randall W. Tonelli (Respondent Pharmacist).

20 1. The surrenders of Respondents' pharmacy permit and pharmacist license and the  
21 acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline  
22 against Respondents. This stipulation constitutes a record of the discipline and shall become a  
23 part of Respondents' license histories with the Board of Pharmacy.

24 2. Respondents shall lose all rights and privileges as a pharmacy and pharmacist in  
25 California as of the effective date of the Board's Decision and Order.

26 3. Respondents shall cause to be delivered to the Board their pocket licenses and, if  
27 issued, their wall certificates, on or before the effective date of the Decision and Order.

28 4. If Respondents ever apply for licensure or petition for reinstatement in the State of

1 California, the Board shall treat the matter as a new application for licensure. Respondents must  
2 comply with all the laws, regulations and procedures for licensure in effect at the time the  
3 application or petition is filed, and all of the charges and allegations contained in the First  
4 Amended Accusation, Case No. 5102, shall be deemed to be true, correct and admitted by  
5 Respondents when the Board determines whether to grant or deny the application. Respondents  
6 shall satisfy all requirements applicable to that license as of the date the application is submitted  
7 to the Board and Respondents are required to report their surrenders as a disciplinary action. For  
8 Respondent Pharmacist, the requirements include, but are not limited to, taking and passing the  
9 California Licensure Examination prior to the issuance of a new license.

10 5. Respondent Pharmacist shall pay the agency its costs of investigation and  
11 enforcement in the amount of \$13,922.00 prior to issuance of a new or reinstated license.

12 6. If Respondents should ever apply or reapply for a new license or certification, or  
13 petition for reinstatement of a license, by any other health care licensing agency in the State of  
14 California, all of the charges and allegations contained in the First Amended Accusation, Case  
15 No. 5102, shall be deemed to be true, correct, and admitted by Respondent for the purpose of any  
16 Statement of Issues or any other proceeding seeking to deny or restrict licensure.

17 7. Respondents shall not apply to the Board for licensure or petition for reinstatement  
18 for at least three years after the effective date of the Board's Decision and Order.

19 ACCEPTANCE

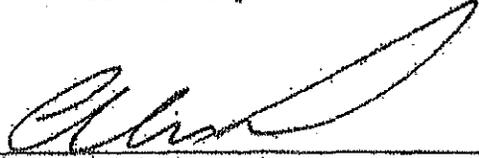
20 I have carefully read the above Stipulated Surrender of License and Order and have fully  
21 discussed it with my attorney, Alexander M. Medina. I understand the stipulation and the effect it  
22 will have on my pharmacist license and pharmacy permit. I enter into this Stipulated Surrender of  
23 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
24 Decision and Order of the Board of Pharmacy.

25 DATED: 10/2/16

26 Randall W. Tonelli  
27 RANDALL W. TONELLI, individually and on  
28 behalf of PHARMACIA CORPORATION d.b.a  
1800 SULLIVAN PHARMACY  
Respondents

1 I have read and fully discussed with Respondent Randall W. Tonelli, individually and in his  
2 capacity as an officer of Respondent Pharmacia Corporation doing business as 1800 Sullivan  
3 Pharmacy, the terms and conditions and other matters contained in this Stipulated Surrender of  
4 License and Order. I approve its form and content.

5 DATED: October 14, 2016

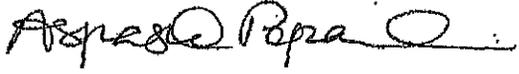
  
ALEXANDER M. MEDINA  
*Attorney for Respondents*

8 ENDORSEMENT

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

11 Dated: October 13, 2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

  
ASPASIA A. PAPA VASSILIOU  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**  
**First Amended Accusation No. 5102**

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Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
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*Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 5102

13 **PHARMACIA CORPORATION d.b.a.**  
**1800 SULLIVAN PHARMACY**  
14 **William M. Tonelli, President**  
**Elsie Tonelli, Vice President**  
15 **Randall W. Tonelli, Secretary and**  
**Pharmacist-in-Charge**  
16 **1800 Sullivan Avenue, Suite 102**  
**Daly City, CA 94015**

**FIRST AMENDED**  
**ACCUSATION**

17 **Pharmacy Permit No. PHY 18784**

18 and

19 **RANDALL W. TONELLI**  
20 **14 Golden Ridge Court**  
**San Mateo, CA 94402**

21 **Pharmacist License No. RPH 24318**

22 Respondents.  
23

24 Complainant alleges:

25 PARTIES

26 1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her  
27 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
28 Affairs.



1 shall have all the powers granted therein. The action shall be final, except that the propriety of  
2 the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of  
3 Civil Procedure."

4 6. Section 4300.1 of the Code states:

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

10 7. Section 4307 (a) of the Code states:

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

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

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

24 STATUTORY AND REGULATORY PROVISIONS

25 8. Section 4061 of the Code states, in pertinent part:

26 "(a) No manufacturer's sales representative shall distribute any dangerous drug or  
27 dangerous device as a complimentary sample without the written request of a physician, dentist,  
28 podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7...."

1           9.    Section 4081 of the Code states, in pertinent part:

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

11           10.   Section 4301 of the Code states, in pertinent part:

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

15           ...

16           "(j) The violation of any of the statutes of this state, or any other state, or of the United  
17 States regulating controlled substances and dangerous drugs.

18           ...

19           "(l) The conviction of a crime substantially related to the qualifications, functions, and  
20 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
21 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
22 substances or of a violation of the statutes of this state regulating controlled substances or  
23 dangerous drugs shall be conclusive evidence of unprofessional conduct....A plea or verdict of  
24 guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the  
25 meaning of this provision. The board may take action when the time for appeal has elapsed, or the  
26 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
27 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
28 the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or  
2 indictment.

3 ...  
4 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
5 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
6 federal and state laws and regulations governing pharmacy, including regulations established by  
7 the board or by any other state or federal regulatory agency."

8 11. California Code of Regulations, title 16, section 1714, states, in pertinent part:

9 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and  
10 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.  
11 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice  
12 of pharmacy.

13 ...  
14 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription  
15 department, including provisions for effective control against theft or diversion of dangerous  
16 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy  
17 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist "

18 12. California Code of Regulations, title 16, section 1718, states:

19 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions  
20 Code shall be considered to include complete accountability for all dangerous drugs handled by  
21 every licensee enumerated in Sections 4081 and 4332.

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

24 COST RECOVERY PROVISION

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

1 DRUG

2 14. The drug combination of hydrocodone with acetaminophen (apap) is a Schedule III  
3 controlled substance under Health and Safety Code section 11056, subd. (e)(4), and a dangerous  
4 drug under Business and Professions Code section 4022.

5 FACTUAL BACKGROUND

6 Board Investigation

7 15. Board staff conducted an investigation involving Respondent Pharmacy regarding its  
8 handling of controlled substances and its alleged obtaining of pharmaceutical drug samples.

9 *Controlled Substances*

10 16. On or about April 8, 2011, the Board received a complaint from pharmaceutical  
11 company the ParMed Pharmaceuticals, Inc. (ParMed) about ParMed's suspension of controlled  
12 substance sales to Respondent Pharmacy. ParMed alleged that it blocked Respondent Pharmacy  
13 due to its refusal to permit a "Quality & Regulatory Anti-Diversion visit" from ParMed.

14 17. As a result of the complaint, a Board inspector conducted an audit of the period from  
15 May 25, 2009 to May 9, 2011, and found that Respondent Pharmacy had a loss of approximately  
16 1,976 dosage units of hydrocodone/apap and an overage of approximately 2,798 dosage units of  
17 hydrocodone/apap.

18 *Drug Samples*

19 18. On or about December 9, 2011, the United States Food and Drug Administration  
20 (FDA) provided information to Board staff about the FDA's investigation of a complaint from the  
21 pharmaceutical company Merck that Respondent Pharmacy was receiving large bags of various  
22 samples of pharmaceutical drugs, such as cholesterol and blood pressure medications.

23 19. On or about August 15, 2012, a Board inspector visited Respondent Pharmacy and  
24 found various pharmaceutical drug samples on the inventory shelves and also within boxes and  
25 bags in a small alcove section of the pharmacy.

26 20. On or about August 16, 2012, in an interview with FDA agents, Respondent  
27 Pharmacist stated that the Respondent Pharmacy received pharmaceutical drug samples from  
28 Rotacare, a charity and clinic for uninsured, low-income patients, and maintained them on the

1 premises to fill prescriptions for Rotacare patients.

2 Criminal Conviction

3 21. On or about July 11, 2016, in *United States of America v. Randall Tonelli*, United  
4 States District Court, Northern District of California, Case No. CR-1600072-001 TEH,  
5 Respondent Pharmacist pled guilty to and was convicted of committing the following offenses  
6 between January of 2010 and on or about August 16, 2012: (1) knowingly offer to sell or trade a  
7 prescription drug sample (21 U.S.C. §§ 331(t), 333(b)(1)(B), and 353(c)); and (2) misbranding  
8 drugs while held for sale with the intent to defraud or mislead (21 U.S.C. §§ 331(k) and  
9 333(a)(2)). Respondent Pharmacist was sentenced to five years of probation and was ordered to  
10 forfeit \$884,809.21 and his Board of Pharmacy License Number 24318 to the United States.

11 FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Unsecured Pharmacy)

12 (Bus. & Prof. Code, § 4301, subd. (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d))

13 22. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
14 Respondent Pharmacist has subjected his pharmacist license to discipline because they engaged in  
15 unprofessional conduct by maintaining an unsecured pharmacy (Bus. & Prof. Code, § 4301, subd.  
16 (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d)). Respondents failed to maintain effective  
17 control of the security of the prescription department against theft or loss of controlled  
18 substances. In a Board audit for the period of May 25, 2009, to May 9, 2011, Respondents could  
19 not account for the loss of approximately 1,976 dosage units of hydrocodone/apap, as follows:  
20 494 dosage units of hydrocodone/apap 7.5 mg/750 mg; 1,452 dosage units of hydrocodone/apap  
21 10 mg/325 mg; and 30 dosage units of hydrocodone/apap 10 mg/500 mg.

22 SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Failure to Maintain Current Inventory)

23 (Bus. & Prof. Code, §§ 4301, subds.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718)

24 23. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
25 Respondent Pharmacist has subjected his pharmacist license to discipline because they engaged in  
26 unprofessional conduct by failing to maintain current inventory (Bus. & Prof. Code, §§ 4301,  
27 subds.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718). Respondents failed to  
28 maintain complete accountability of all controlled substances. In a Board audit for the period of

1 May 25, 2009, to May 9, 2011, Respondents could not account for the loss of approximately  
2 1,976 dosage units of hydrocodone/apap, as follows: 494 dosage units of hydrocodone/apap 7.5  
3 mg/750 mg; 1,452 dosage units of hydrocodone/apap 10 mg/325 mg; and 30 dosage units of  
4 hydrocodone/apap 10 mg/500 mg. In addition, Respondents could not account for an overage of  
5 approximately 2,798 dosage units of hydrocodone/apap, as follows: 2,268 dosage units of  
6 hydrocodone/apap 5 mg/500 mg; 126 dosage units of hydrocodone/apap 5mg/325 mg; 225  
7 dosage units of hydrocodone/apap 7.5 mg/325 mg; 4 dosage units of hydrocodone/apap 7.5  
8 mg/500 mg; and 175 dosage units of hydrocodone/apap 10 mg/650 mg.

9 THIRD CAUSE FOR DISCIPLINE

10 (Unprofessional Conduct: Obtaining and Possessing Drug Samples)  
11 (Bus. & Prof. Code, §§ 4301, subd. (o) and 4061, subd. (a))

12 24. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
13 Respondent Pharmacist has subjected his pharmacist license to discipline because they engaged in  
14 unprofessional conduct by obtaining and possessing pharmaceutical drug samples (Bus. & Prof.  
15 Code, §§ 4301, subd. (o) and 4061, subd. (a).) The circumstances are described in paragraphs 18-  
16 22, above.

17 FOURTH CAUSE FOR DISCIPLINE

18 (Unprofessional Conduct: Violation of Law Regarding Controlled Substances)  
19 (Bus. & Prof. Code, § 4301, subd. (j))

20 25. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
21 Respondent Pharmacist has subjected his pharmacist license to discipline because Respondent  
22 Pharmacist violated a law regarding controlled substances (Bus. & Prof. Code, § 4301, subd. (j)).  
23 The circumstances are described in paragraphs 18-22, above.

24 FIFTH CAUSE FOR DISCIPLINE

25 (Unprofessional Conduct: Substantially Related Conviction)  
26 (Bus. & Prof. Code, § 4301, subd. (l))

27 26. Respondent Pharmacy has subjected its pharmacy permit to discipline and  
28 Respondent Pharmacist has subjected his pharmacist license to discipline because Respondent  
29 Pharmacist was convicted of a criminal offense substantially related to the practice of pharmacy  
30 (Bus. & Prof. Code, § 4301, subd. (l)). The circumstances are described in paragraphs 18-22,  
31 above.



1 PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is reinstated;

2 5. Prohibiting Randall W. Tonelli from serving as a manager, administrator, owner,  
3 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
4 Number PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is  
5 reinstated;

6 6. Ordering Pharmaca Corporation doing business as 1800 Sullivan Pharmacy and  
7 Randall W. Tonelli to pay the Board of Pharmacy the reasonable costs of the investigation and  
8 enforcement of this case, under Business and Professions Code section 125.3;

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

10  
11 DATED: 9/8/16

*Virginia Herold*

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

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10 **DEPARTMENT OF CONSUMER AFFAIRS**  
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13 **1800 SULLIVAN PHARMACY**  
William M. Tonelli, President  
14 Elsie Tonelli, Vice President  
15 Randall W. Tonelli, Secretary and  
Pharmacist-in-Charge  
16 1800 Sullivan Avenue, Suite 102  
Daly City, CA 94015

**A C C U S A T I O N**

17 **Pharmacy Permit No. PHY 18784**

18 and

19 **RANDALL W. TONELLI**  
14 Golden Ridge Court  
20 San Mateo, CA 94402

21 **Pharmacist License No. RPH 24318**

22 Respondents.

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14 Unprofessional conduct shall include, but is not limited to, any of the following:

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16 "(j) The violation of any of the statutes of this state, or any other state, or of the United  
17 States regulating controlled substances and dangerous drugs.

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16 or revoked, is under suspension or has been placed on probation, and while acting as the manger,  
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18 enforcement of the case.

#### 19 DRUG

20 14. The drug combination of hydrocodone with acetaminophen (apap) is a Schedule III  
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22 drug under Business and Professions Code section 4022.

#### 23 FACTUAL BACKGROUND

24 15. Board staff conducted an investigation involving Respondent Pharmacy regarding (1)  
25 its handling of controlled substances and (2) its alleged obtaining of pharmaceutical drug samples.

#### 26 *Controlled Substances*

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1 substance sales to Respondent Pharmacy. ParMed alleged that it blocked Respondent Pharmacy  
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12 19. On or about August 15, 2012, a Board inspector visited Respondent Pharmacy and  
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15 20. On or about August 16, 2012, in an interview with FDA agents, Respondent  
16 Pharmacist admitted that the Respondent Pharmacy received pharmaceutical drug samples from  
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18 premises to fill prescriptions for Rotacare patients.

19 FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct: Unsecured Pharmacy)

20 (Bus. & Prof. Code, § 4301, subd. (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d))

21 21. Respondent Pharmacy has subjected its pharmacy permit to discipline and Respondent  
22 Pharmacist has subjected his pharmacist license to discipline because they engaged in  
23 unprofessional conduct by maintaining an unsecured pharmacy (Bus. & Prof. Code, § 4301, subd.  
24 (o); Cal. Code Regs., tit. 16, § 1714, subds. (b), (d)). Respondents failed to maintain effective  
25 control of the security of the prescription department against theft or loss of controlled substances.  
26 In a Board audit for the period of May 25, 2009, to May 9, 2011, Respondents could not account  
27 for the loss of approximately 1,976 dosage units of hydrocodone/apap, as follows: 494 dosage  
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1 units of hydrocodone/apap 7.5 mg/750 mg; 1,452 dosage units of hydrocodone/apap 10 mg/325  
2 mg; and 30 dosage units of hydrocodone/apap 10 mg/500 mg.

3 SECOND CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct: Failure to Maintain Current Inventory)  
(Bus. & Prof. Code, §§ 4301, subds.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718)

5 22. Respondent Pharmacy has subjected its pharmacy permit to discipline and Respondent  
6 Pharmacist has subjected his pharmacist license to discipline because they engaged in  
7 unprofessional conduct by failing to maintain current inventory (Bus. & Prof. Code, §§ 4301,  
8 subds.(j), (o), and 4081 subd. (a); Cal. Code Regs., tit. 16, § 1718). Respondents failed to  
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13 hydrocodone/apap 10 mg/500 mg. In addition, Respondents could not account for an overage of  
14 approximately 2,798 dosage units of hydrocodone/apap, as follows: 2,268 dosage units of  
15 hydrocodone/apap 5 mg/500 mg; 126 dosage units of hydrocodone/apap 5mg/325 mg; 225 dosage  
16 units of hydrocodone/apap 7.5 mg/325 mg; 4 dosage units of hydrocodone/apap 7.5 mg/500 mg;  
17 and 175 dosage units of hydrocodone/apap 10 mg/650 mg.

18 THIRD CAUSE FOR DISCIPLINE

19 (Unprofessional Conduct: Obtaining and Possessing Drug Samples)  
(Bus. & Prof. Code, §§ 4301, subd. (o) and 4061, subd. (a))

20 23. Respondent Pharmacy has subjected its pharmacy permit to discipline and Respondent  
21 Pharmacist has subjected his pharmacist license to discipline because they engaged in  
22 unprofessional conduct by obtaining and possessing pharmaceutical drug samples (Bus. & Prof.  
23 Code, §§ 4301, subd. (o) and 4061, subd. (a).) The circumstances are described in paragraphs 18-  
24 20, above.

25 OTHER MATTERS

26 24. Pursuant to section 4307, if discipline is imposed on Pharmacy Permit Number PHY  
27 18784, issued to Pharmaca Corporation doing business as 1800 Sullivan Pharmacy, then William  
28 M. Tonelli, Elise Tonelli, and Randall W. Tonelli, if they had knowledge of or knowingly

1 participated in any conduct for which the licensee was disciplined, shall be prohibited from serving  
2 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee  
3 for five years if Pharmacy Permit Number PHY 18784 is placed on probation or, if it is revoked,  
4 until the pharmacy permit is reinstated.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
7 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Pharmacy Permit Number PHY 18784, issued to Pharmacia  
9 Corporation doing business as 1800 Sullivan Pharmacy;

10 2. Revoking or suspending Pharmacist License Number RPH 24318, issued to Randall  
11 W. Tonelli;

12 3. Prohibiting William M. Tonelli from serving as a manager, administrator, owner,  
13 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
14 Number PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is  
15 reinstated;

16 4. Prohibiting Elsie Tonelli from serving as a manager, administrator, owner, member,  
17 officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY  
18 18784 is placed on probation or, if it is revoked, until the pharmacy permit is reinstated;

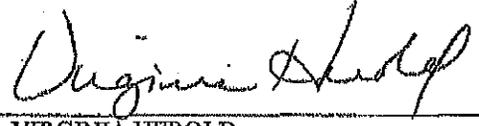
19 5. Prohibiting Randall W. Tonelli from serving as a manager, administrator, owner,  
20 member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit  
21 Number PHY 18784 is placed on probation or, if it is revoked, until the pharmacy permit is  
22 reinstated;

23 6. Ordering Pharmacia Corporation doing business as 1800 Sullivan Pharmacy and  
24 Randall W. Tonelli to pay the Board of Pharmacy the reasonable costs of the investigation and  
25 enforcement of this case, under Business and Professions Code section 125.3;

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

DATED: 5/22/16



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

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