STATE OF OHIO
BOARD OF PHARMACY

IN THE MATTER OF:

CASE NO. A-2019-0249

PENDING License No. APP-000194992

Pharmcore dba Hallandale
c/o David Rabbani, R.Ph.
2666 SW 36th Street
Fort Lauderdale, FL 33312

SETTLEMENT AGREEMENT WITH THE STATE OF OHIO BOARD OF PHARMACY

This Settlement Agreement (Agreement) is entered into by the State of Ohio Board of Pharmacy (Board) and Pharmcore dba Hallandale (Pharmcore dba Hallandale), for the purpose of resolving all issues between the parties relating to the Board investigation of issues involving the failure to submit renewal information for a Terminal Distributor of Dangerous Drugs (TDDD) license. Together, the Board and Pharmcore dba Hallandale are referred to hereinafter as "the parties."

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.54 of the Ohio Revised Code.

2. Pharmcore dba Hallandale is a licensed Terminal Distributor of Dangerous Drugs under pending license number APP-000194992.

FACTS

1. On or about September 26, 2018, the Board initiated an investigation of Pharmcore dba Hallandale's, Terminal Distributor of Dangerous Drugs license number 02-2138650, related to Pharmcore dba Hallandale's disclosure of past legal issues regarding their responsible person and subsequently illegal sales into the State of Ohio.

2. On or about September 23, 2019 the Board sent a Proposal to Deny/Notice of Opportunity for Hearing to Pharmcore dba Hallandale, which outlined the allegations and provided notice of its right to a hearing, its rights in such hearing, and its right to submit contentions in writing.

3. On or about October 18, 2019, Pharmcore dba Hallandale timely requested an administrative hearing, which was subsequently scheduled for December 9, 2019. The matter was continued and scheduled for July 7, 2020.

WHEREFORE, the parties desire to resolve the issues relating to the above-referenced findings without resorting to further administrative or judicial proceedings.

TERMS

NOW THEREFORE, in consideration of the mutual promises herein expressed, the parties knowingly and voluntarily agree as follows:

1. The recitals set forth above are incorporated in this Settlement Agreement as though fully set forth herein.

2. Pharmcore dba Hallandale neither admits nor denies the allegations stated in the Notice of Opportunity for Hearing letter dated September 23, 2019; however, the Board has evidence sufficient to sustain the allegations, finds them to violate Ohio's pharmacy law as set forth in the Notice, and hereby adjudicates the same.

3. Pharmcore dba Hallandale agrees to pay to the Board a monetary penalty the amount of $5,000. This fine will be attached to your license record and must be paid no later than 30 days from the effective date of this Agreement. To pay this fine you must login to www.elicense.ohio.gov and process the items in your cart.

4. Pharmcore dba Hallandale's Terminal Distributor of Dangerous Drugs license will be issued upon receipt of a corrected application, application fee, and payment of the fine.

5. Pharmcore dba Hallandale agrees and acknowledges that this Board disciplinary action must be disclosed to the proper licensing authority of any state or jurisdiction, as required by any such state or jurisdiction, in which it currently holds a professional license, including the Board on renewal applications or applications for a new license.

6. Pharmcore dba Hallandale agrees to comply with all federal and state requirements related to Terminal Distributors of Dangerous Drugs, including but not limited to, Ohio Revised Code Chapter 4729. and the Rules adopted thereunder, Chapter 3719. and the Rules adopted thereunder, Chapter 3715. and the Rules adopted thereunder as well as the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301 and Chapter 21, Section 360 of the United States Code, and Section 207.20 of the Code of Federal Regulations. Any violation by Pharmcore dba Hallandale of the terms of one or more federal or state requirements may constitute sufficient grounds for further enforcement action related to any licenses granted to Pharmcore dba Hallandale by the Board and will NOT discharge Pharmcore dba Hallandale from any obligation under the terms of this Agreement.

7. Pharmcore dba Hallandale agrees to pay all reasonable costs associated with the collection of any payment, and of the prosecution of any violation of this Agreement.

8. Pharmcore dba Hallandale understands that it has the right to be represented by counsel for review and execution of this agreement.

9. This Agreement is binding upon any and all successors, assigns, affiliates, and subsidiaries of the parties or any other corporation through whom or with whom Pharmcore dba Hallandale will operate.

10. Pharmcore dba Hallandale waives its right to a hearing and an opportunity to be heard pursuant to Chapter 119. of the Ohio Revised Code and waives any right to an appeal.

11. This Agreement may be executed in counterparts or facsimiles, each of which shall be deemed an original, but all of which shall constitute one and the same instrument.

12. All parties to this Agreement understand that this document is a public record pursuant to Ohio Revised Code Section 149.43.

13. This Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Agreement.

14. This Agreement shall become effective upon the date of the Board President's signature below.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties to this Agreement have executed it and/or cause it to be executed by their duly authorized representatives.

Approved by:

David Rabbani, R.Ph.
Pharmcore dba Hallandale, Respondent

06/30/2020
Date of Signature

Eric J. Plinke
Attorney for Respondent

6/30/20
Date of Signature

Jennifer M. Rudell, RPh

~~Shawn C. Wilt, R.Ph. President,~~ Jennifer M. Rudell, President
State of Ohio Board of Pharmacy

07.08.2020
Date of Signature

Henry Appel, Ohio Assistant Attorney General

07.08.2020
Date of Signature

STATE OF OHIO
BOARD OF PHARMACY

NOTICE OF OPPORTUNITY FOR HEARING
PROPOSAL TO DENY APPLICATION
FOR TERMINAL DISTRIBUTOR OF DANGEROUS DRUGS LICENSE

IN THE MATTER OF:

CASE No. A-2019-0249

PENDING License No. APP-000194992

Pharmcore dba Hallandale Pharmacy
c/o David Rabbani, R.Ph.
2666 SW 36th St.
Fort Lauderdale, FL 33312
Broward County

-THIS IS A RED INK STAMP-
I certify this to be a true and exact copy of the original document on file with the Ohio State Board of Pharmacy.
Steven W. Schierholt, Esq., Executive Dir.
Date: 9/23/19
-MUST HAVE BOARD SEAL TO BE OFFICIAL-

Date September 23, 2019

Dear Mr. David Rabbani:

You are hereby notified, in accordance with the provisions of Section 119.07 of the Ohio Revised Code the State of Ohio Board of Pharmacy (Board) proposes to deny your application(s) for license as a Terminal Distributor of Dangerous Drugs (TDDD) under authority of Section 4729.57.

JURISDICTION

1. Pursuant to Section 4729.57 of the Ohio Revised Code (ORC) and the rules adopted thereunder, the Board has the authority to suspend, revoke, or refuse to grant or renew any license issued pursuant to Section 4729.55 of the ORC to practice as a TDDD in the state of Ohio. Additionally, Section 4729.57 of the Revised Code grants the Board the authority to impose a monetary penalty or forfeiture not to exceed in severity any fine designated under the Revised Code for a similar offense or $1,000 if the acts committed have not been classified as an offense by the ORC.

2. On or about September 26, 2018, David Rabbani signed as the Responsible Person on an application for a TDDD License on behalf of Pharmcore dba Hallandale Pharmacy (Pharmcore).

ALLEGATIONS

1. From on or about November 2 ,2015 through on or about July 9, 2018, Pharmcore dispensed 4,586 prescriptions for dangerous drugs to patients residing in Ohio as set forth in Exhibit A, attached hereto and incorporated as though fully set forth herein, while not being licensed as a TDDD.

2. On the application, submitted on or about September 26, 2018, you answered "Yes" to the question inquiring whether the applicant, owner(s), Responsible Person, any agent or employee of the location being licensed, or any officer of the corporation has ever been convicted of, or are there charges pending for, a felony or misdemeanor drug offense under state or federal law.

a. On or about November 4, 2014, David Rabbani pleaded guilty to one count of the Introduction/Delivery for Introduction into Interstate Commerce of any Drug that is Adulterated or Misbranded, pursuant to 21 U.S.C. 331(a) and 333(a)(1), a misdemeanor. *U.S. v. David G. Rabbani*, 1:14-cr-00123-A, in the United States District Court for the District of Rhode Island.

POTENTIAL VIOLATIONS OF LAW

1. Such conduct as set forth in paragraph (1) of the Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.51(C)(1) of the ORC, no person shall sell, at retail, dangerous drugs...unless they are a licensed TDDD, each violation punishable by a maximum penalty of $1,000;

2. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.57 of the ORC, each violation punishable by a maximum penalty of $1,000:

   a. Violating any rule of the board, ORC Section 4729.57(A)(2); and/or

   b. Violating any provision of this chapter, ORC Section 4729.57(A)(3); and/or

   c. Except as provided in section 4729.89 of the Revised Code, violating any provision of the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, or Chapter 3715. of the Revised Code, ORC Section 4729.57(A)(4); and/or

   d. Violating any provision of the federal drug abuse control laws or Chapter 2925. or 3719. of the Revised Code, ORC Section 4729.57(A)(5); and/or

   e. Ceasing to satisfy the qualifications of a TDDD set forth in section 4729.55 of the Revised Code, ORC Section 4729.57(A)(7).

3. Such conduct as set forth in Allegations Section, if proven, constitutes a violation of each of the following divisions of Section 4729.55 of the ORC, TDDD license requirements:

   a. Adequate safeguards are assured to prevent the sale or other distribution of dangerous drugs by any person other than a pharmacist or licensed health professional authorized to prescribe drugs, ORC 4729.55(C); and/or

   b. If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control laws, Chapter 2925., 3715., 3719., or 4729. of the Revised Code, or any rule of the board, adequate safeguards are assured to prevent the recurrence of the violation, ORC 4729.55(E); and/or

4. Such conduct as set forth in paragraph (1) of the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729-10-02(A) of the OAC, each nonresident terminal distributor of dangerous drugs that sells dangerous drugs at retail in the state of Ohio shall obtain a terminal

distributor of dangerous drugs license pursuant to sections 4729.54 and 4729.55 of the Revised Code, each violation punishable by a maximum penalty of $1,000:

5. Such conduct as set forth in the Allegations Section, if proven, constitutes a violation of the following sections of Rule 4729-9-19(A) of the OAC, each violation punishable by a maximum penalty of $1,000:

    a. Has been convicted of violating any state or federal pharmacy or drug law, OAC Rule 4729-9-19(A)(3); and/or

    b. Is not of good moral character and habits, OAC Rule 4729-9-19(A)(4); and/or

6. Such conduct as set forth in the paragraph (2), if proven, constitutes a violation of the following sections of Rule 4729-9-19(B)(3) of the OAC, each violation punishable by a maximum penalty of $1,000, knowingly employing a person who:

    a. Has been convicted of violating any state or federal pharmacy or drug law, OAC Rule 4729-9-19(B)(3)(e); and/or

    b. Is not of good moral character and habits, OAC Rule 4729-9-19(B)(3)(f); and/or

YOU ARE FURTHER NOTIFIED, in accordance with the provisions of Chapters 119. and 4729. of the Ohio Revised Code, that you are entitled to a hearing before the State of Ohio Board of Pharmacy, if you request such a hearing within thirty 30 days of the date of the mailing of this notice.
IF YOU DESIRE A HEARING, such request shall either be mailed to the State of Ohio Board of Pharmacy, Attn: Legal, 77 South High Street, 17th Floor, Columbus, Ohio 43215-6126 or an e-mail request may be sent to legal@pharmacy.ohio.gov (**please note faxes will not be accepted**). **YOUR REQUEST MUST BE MUST BE RECEIVED ON OR PRIOR TO THE 30TH DAY FOLLOWING THE MAILING DATE OF THIS NOTICE.** You may appear at such hearing in person, by your attorney, or by such other representative as is permitted to practice before the agency, or you may present your position, arguments or contentions in writing; and, at this hearing, you may also present evidence and examine any witnesses appearing for and against you. **If you are a corporation, you must be represented at the hearing by an attorney licensed to practice in the state of Ohio.**

YOU ARE FURTHER ADVISED that if there is no request for such a hearing received by the Board on or prior to the 30th day following the mailing of this notice, the State of Ohio Board of Pharmacy, upon consideration of the aforementioned allegations against you, may take action without such a hearing.

If you have questions regarding the Chapter 119. Administrative Hearing process, please e-mail your questions to legal@pharmacy.ohio.gov or call the Board office at 614-466-4143 and ask for the legal department.

BY ORDER OF THE STATE BOARD OF PHARMACY

Steven W. Schierholt, Esq., Executive Director

SWS/jak/kll

Attachment: CD/Exhibit 1

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