



National Association of Boards of Pharmacy

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nabp

TO: EXECUTIVE OFFICERS – STATE BOARDS OF PHARMACY

FROM: Carmen A. Catizone, Executive Director/Secretary

DATE: May 12, 2015

RE: Minnesota Independent Cooperative – Information from the Minnesota Board of Pharmacy

The Minnesota Board of Pharmacy asked that NABP share the following statement with its member boards of pharmacy on behalf of the Minnesota Board.

“The Minnesota Board of Pharmacy has reviewed two federal indictments that were handed down last week against a drug wholesaler named Minnesota Independent Cooperative (MIC). That company is licensed by our Board and has a facility in Eagan, MN. Two other drug wholesalers, located in Puerto Rico, were also mentioned in these indictments – FMC Distributors and B&Y Wholesalers, Inc. At this point the Board can neither confirm nor deny that it has been investigating MIC. We can confirm that we have been aware of the federal investigation into MIC for quite some time – and that we provided documents to federal investigators at their request.

The federal indictments allege that MIC was at the center of a massive scheme that involved the sale of potentially adulterated and misbranded drugs to pharmacies and other drug wholesalers. According to the federal allegations, drugs were purchased from illegal sources, false pedigree paperwork was given to purchasers and drugs were deliberately misbranded. If the allegations in the federal indictment are true, the quality of any drug purchased from MIC would be suspect. Consequently, our Board has advised the pharmacies, pharmacists and drug wholesalers that we license to take those federal allegations into consideration before distributing or dispensing any products obtained from MIC. We also suggested that they consider notifying customers to whom they sold drugs that were obtained from MIC.

The owner of B&Y Wholesalers, Inc. (Yusef Yassin Gomez) pleaded guilty in February to a federal felony charge related to the indictments mentioned above. That being the case, our Board had grounds to issue an Order of Automatic Suspension against B&Y Drug Wholesalers – and such an order was issued this afternoon. (Attached.) Our Board is considering what action that it can take, under Minnesota Statutes, against MIC and FMC Distributors.”

Attachment

cc: NABP Executive Committee

**BEFORE THE MINNESOTA
BOARD OF PHARMACY**

In the Matter of the
Drug Wholesaler License of
B & Y Wholesale Distributors, Inc.
License Nnumber: 362541

**ORDER OF
AUTOMATIC SUSPENSION**

WHEREAS, pursuant to Minnesota Statutes chapter 151, the Minnesota Board of Pharmacy (“Board”) is authorized to license and regulate drug wholesalers and to take disciplinary action against licensed facilities including, but not limited to, drug wholesalers, that have violated the statutes and rules the Board is empowered to enforce;

WHEREAS, pursuant to Minnesota Statutes sections 214.10 and 214.103, the Board is authorized to review and investigate complaints and to initiate appropriate disciplinary action;

WHEREAS, on April 6, 2011, B & Y Wholesale Distributors, Inc. (“Licensee”) was licensed as a wholesaler in the State of Minnesota;

WHEREAS, beginning in July 2008, Yusef Yassin Gomez owned and operated Licensee;

WHEREAS, on January 5, 2015, in United States District Court for the Southern District of Ohio, Western Division, Yusef Yassin Gomez pled guilty to violating 18 U.S.C. § 371 for conspiring to distribute prescription drugs without a license, in violation of 21 U.S.C. §§ 331(t), 353(e)(2)(A), and 333(b)(1)(D), a copy of which is attached hereto as Exhibit A;

WHEREAS, a violation of 18 U.S.C. § 371 constitutes a Class E Felony, pursuant to 18 U.S.C. § 3559 (a);

WHEREAS, on January 13, 2015, Yusef Yassin Gomez signed a Statement of Facts admitting that he conspired with two other entities to “ship drugs in and out of [Licensee’s]

warehouse” in exchange for a commission payment in order to “cover up the true sources of the prescription drugs,” a copy of which is attached hereto as Exhibit B;

WHEREAS, on February 19, 2015, United States District Judge Timothy S. Black accepted Yusef Yassin Gomez’s guilty plea and found Yusef Yassin Gomez to be adjudged guilty, a copy of which is attached hereto as Exhibit C;

WHEREAS, the conduct Yusef Yassin Gomez pled guilty to was reasonably related to the operation of Licensee; and

WHEREAS, pursuant to Minnesota Statutes section Minnesota Statutes sections 151.071, subdivision 3(c), if the Board is notified of a judgment of, or a plea of guilty to, a felony reasonably related to the operation of the facility, the license or registration of the regulated facility may be automatically suspended by the board;

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that Licensee’s license as a wholesaler in the State of Minnesota is **AUTOMATICALLY SUSPENDED**, effective immediately, pursuant to and in accordance with the provisions set forth in Minnesota Statutes sections 151.071, subdivision 3. During the period of suspension, Licensee is prohibited from engaging in the practice of drug wholesaling, holding itself out to be licensed as a drug wholesaler in the State of Minnesota, or otherwise indicating that it is entitled to the privileges granted to a drug wholesaler licensed in the State of Minnesota.

1. Within 30 days of the this Order, Licensee must surrender its license to the Board by delivering it personally or by first-class mail to the Minnesota Board of Pharmacy, c/o Cody Wiberg, Executive Director, 2829 University Avenue S.E., Suite 530, Minneapolis, Minnesota 55414;

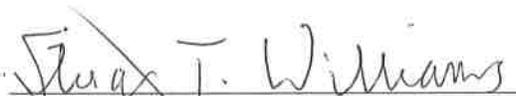
2. IT IS FURTHER ORDERED that Licensee's violation of this Order constitutes grounds for further disciplinary action pursuant to Minnesota Statutes section 151.071, subdivision 2(8);

3. IT IS FURTHER ORDERED that, pursuant to Minnesota Statutes section 151.071, subdivision 3(c), Licensee's license remains suspended until, upon a petition from Licensee and after a hearing, the board may either terminate the suspension or, if the board finds that the felonious conduct would cause a serious risk of harm to the public, the board may indefinitely suspend or revoke the license;

4. IT IS FURTHER ORDERED that the terms of this Order are adopted and implemented this 11th day of May, 2015.

Dated: May 11, 2015

MINNESOTA BOARD OF PHARMACY

A handwritten signature in cursive script that reads "Stuart Williams". The signature is written in dark ink and is positioned above a horizontal line.

Stuart Williams
Board President