

IN THE MATTER OF
ROBERT B. SANDO, P.D.
LICENSE NO. 08615
Respondent

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BEFORE THE
STATE BOARD
OF PHARMACY
Case No. 04-058

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FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Pharmacy (the "Board"), and subject to Md. Health Occ. Ann. §12-101, et seq., (2000 Repl. Vol.) (the "Act"), the Board charged Robert B. Sando, P.D., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of §12-313:

(a) "Convicted" defined---In this section, "convicted" includes a determination of guilt, a guilty plea, or a plea of nolo contendere followed by a sentence.

(b) Subject to the hearing provisions of §12-315 of this subtitle, the Board, on the affirmative vote of a majority of its members then serving, may deny a license to any applicant, reprimand any licensee, place any licensee on probation; or suspend or revoke a license if the applicant or licensee:

(21) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[;].

The Respondent was given notice of the issues underlying the Board's charges by letter dated February 24, 2004. Accordingly, a Case Resolution Conference was held on April 1, 2004, and was attended by Ramona McCarthy Hawkins, P.D., Board member, LaVerne Naesea, Executive Director of the Board, and Linda Bethman, Counsel to the

Board. Also in attendance were the Respondent and his attorney, Aron Raskas, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

Following the Case Resolution Conference, and over the strenuous objection of the Prosecutor, the Respondent and the Board agreed to resolve the matter by way of settlement. The Respondent and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, Respondent was licensed to practice pharmacy in the State of Maryland. The Respondent was first licensed on July 20, 1977. The Respondent's license expires on January 31, 2005.

2. At all times relevant hereto, the Respondent was a regional marketer of promissory notes for a nationwide business called Cash 4 Titles, until its collapse in October 1999. Cash 4 Titles operated out of dozens of storefronts, especially, in southeastern states, and provided high-interest payday loans to borrowers who turned over their car titles as collateral. The principals of Cash 4 Titles then marketed promissory notes to investors, purportedly to raise capital to fund the loans. Interest was paid to the investors in the notes by monthly deposits into bank accounts in the Bahamas that could be accessed in the United States through credit and debit cards. Marketers of the notes, including the Respondent, earned commissions that were similarly paid into bank accounts in the Bahamas. The Respondent was not a principal of Cash 4 Titles.

3. On October 15, 1999, the United States Securities and Exchange Commission brought the scheme to a halt by obtaining a temporary restraining order in Federal Court in Chicago, alleging that the multi-layered marketing scheme had raised as much as \$300 million from 1997 to 1999 from investors who were told that their money would fund Cash 4 Titles' loans. In fact, very little of the money went to that purpose, according to the complaint, and the business was a Ponzi scheme that transferred money from new investors to overseas accounts and used it to pay interest to existing investors and commissions to marketers of the notes.

4. By document dated January 16, 2003, the Respondent filed a renewal application for his pharmacy license. The Respondent x'd "yes" in the boxes besides Questions 2. (a), (b) and 3. on the form, which ask, as follows:

2. (a) Has any State Licensing or Disciplinary Board, or a comparable body in the Armed Services denied your application for licensure, reinstatement or renewal, or taken any action against your license, including but not limited to reprimand, suspension, or revocation?

(b) Have you surrendered or failed to renew a license in any State?

3. Are there any outstanding complaints, investigations or charges pending against you in any State by any Licensing or Disciplinary Board for a comparable body in the Armed Services?

5. The Respondent attached a written explanation indicating that he "had no problems—anywhere, anytime with my pharmacy license-" but, in response to Questions 2 (a) and (b) and 3., the Respondent wrote that

"in 1999—in a dispute with my Securities Broker/Dealer (I sold mutual funds and stocks) I was terminated for "selling away". Selling non-approved

investments, I voluntarily gave up my license. --The Maryland State Securities Division was looking into this (my selling away)-But I have not heard from them for over 1½ years. I do not plan to ever go back into that industry anyway. --I have had no fines levied against me from any state or federal government. "

6. On June 25, 2003, the Respondent was indicted in the Federal District Court for the District of Maryland for willfully making and subscribing a United States Individual Income Tax Return Form 1040, verified by a written declaration that it was made under the penalties of perjury and filed with the Internal Revenue Service, which contained material matter that the Respondent did not believe to be true and correct in that the return stated that the joint taxable income for the Respondent and his spouse for the tax year 1998 was \$30, 772 when, in fact, the Respondent well knew and believed that the joint taxable income was substantially greater than the amount he reported.

7. On July 7, 2003, the Respondent pled guilty to filing a false tax return in the U.S. District Court before the Honorable Catherine C. Blake. The Respondent pled guilty to failing to report to the Internal Revenue Service the commission income he earned for selling Cash 4 Titles' promissory notes, primarily to Maryland investors. According to the plea agreement, Sando reported a taxable income of \$30,772 for 1998, while his actual taxable income was \$644,410. The total tax loss for 1997 and 1998 was \$266,596, and the Respondent agreed to pay restitution in that amount as part of his plea. The maximum penalty for subscribing to a false tax return is three years' imprisonment, followed by a term of supervised release of one year and a \$100, 000 fine. A copy of the plea agreement is attached hereto and made a part hereof.

8. Pleading guilty to a felony and a crime of moral turpitude is a violation of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated Md. Health Occ. Code Ann. § 12-313 (a) and (b) (21) (2000 Repl. Vol. and 2003 Supp.).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the Board and the Respondent, it is this 1ST day of SEPTEMBER, 2004, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice pharmacy is hereby placed on Probation for one year, subject to the following condition:

The Respondent shall successfully complete a Board-approved ethics course and submit written proof of completion to the Board.

ORDERED that the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including suspension or revocation, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation,

after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation; and be it

ORDERED that the Respondent shall practice in accordance with the laws and regulations governing the practice of pharmacy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on his license and shall be so reinstated upon demonstrating compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Stanton G. Ades, P.D., President
State Board of Pharmacy

CONSENT OF ROBERT B. SANDO, P.D.,

I, Robert B. Sando, P.D., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney Aron U. Raskas, Esquire, and have been advised by him of the legal implication of signing this Consent Order;
2. I am aware that without my consent, my license to practice pharmacy in this State cannot be limited except pursuant to the provisions of § 12-313 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol.).
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 12-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 12-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my license to practice pharmacy in the State of Maryland.

8/24/04
Date


Robert B. Sando, P.D.

STATE OF Maryland

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 24 day of August, 2004, before me, Ana-Michelle Coleman Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Robert B. Sando, License No. 08615, and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Ana-Michelle Coleman
Notary Public

My Commission Expires: _____

Ana-Michelle Coleman
Notary Public, Baltimore County, MD
My Commission Expires August 8, 2006